Authority in Byzantium

Edited by
Pamela Armstrong



CENTRE FOR HELLENIC STUDIES, KING'S COLLEGE LONDON

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THE CENTRE FOR HELLENIC STUDIES,
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For Judith Herrin.

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Maria Vassilaki is Professor in Byzantine Art History at the Department of History, Archaeology and Social Anthropology of the University of Thessaly at Volos and scientific advisor to the Benaki Museum, Athens. She has curated and co-curated exhibitions, such as *Mother of God: Representations of the Virgin in Byzantine Art* (Benaki Museum, Athens, 2000), *Byzantium 330–1453* (with Robin

Cormack, Royal Academy of Art, London, 2008), and *Domenikos Theotokopoulos (El Greco): From Candia to Toledo. The Footsteps of a European Journey* (Leventis Municipal Museum, Nicosia, 2012). Her latest books are *The Painter Angelos and Icon-Painting in Venetian Crete* (Ashgate 2009) and *The Icons of the Tositsa Mansion, Metsovo. The Collection of Evangelos Averof* (Athens, 2012).

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Preface

During the weekend of 15–17 January 2009 a conference was held at King's College, London, to mark the achievements of Judith Herrin who had recently retired as Professor of Late Antique and Byzantine Studies, and to celebrate the major international exhibition being held at the Royal Academy (25 October 2008–22 March 2009), *Byzantium 330–1453*. It was thought that a collection of papers focused on the theme of authority but approached from different angles could make a significant contribution to the wider understanding of a society seemingly underpinned by this invisible force, as well as make a fitting tribute to Judith. Accordingly an international quorum of scholars assembled to investigate the ways in which authority was presented and received in Byzantium, as well as how it was perceived and modified through processes of interpretation and remodelling, in order to make it more visible and intelligible to a modern audience.

I have been privileged to edit the contributions to the present volume of papers that were presented at the conference. At the meeting itself each session was chaired by a scholar of the western Middle Ages so that they could bring another perspective to the discussions. Subsequently five of them agreed to write responses to the papers they had chaired for inclusion in the publication. This has enhanced the academic strength of the book, by making it relevant to a wider audience. Correspondingly, an editorial decision was taken to reproduce English translations of passages of Greek in some of the articles so that important primary evidence could be scrutinised by the non-Byzantinist, thereby extending the potential audience further. The final result is a comprehensive enquiry into one of the elemental aspects of Byzantine society set against European models.

In Judith's Introduction to this volume you can read of her induction into archaeology at the hands of Peter Megaw, and of excavation seasons at Saranda Kolonnes in Paphos. Some years later I followed in her footsteps to go and excavate with Peter on the same site. On one memorable Sunday *ekdrome* in my time Peter took the team to see the newly cleaned frescoes in the church of the Panagia tou Arakou at the village of Lagoudera in the Troodos mountains. It was on that occasion the photograph of the Pantokrator was taken which appears on the cover of this book. The authority of the subject and the circumstances of its recording seemed to make it a fitting illustration for this volume and for Judith.

Pamela Armstrong
Oxford
2013

Introduction

By way of an introduction to the subject of this volume, I would like to record some of my own 'authorities', those whose work first attracted me to Byzantium and who influenced my understanding of it. In the way of life, this always has a peculiarly accidental aspect … what if I'd met … or if I hadn't done that … the delightful serendipity of events that prove decisive. But first, I want to thank my colleagues, Charlotte Roueché, Dennis Stathakopoulos and Tassos Papacostas who organised the original conference in January 2009, and Pamela Armstrong who edited the volume with such skill. It is another tribute to the collective inspiration and energy of Byzantine Studies at King's College London, which I have been so fortunate to share. So this is not just an acknowledgement of expertise and an appreciation of outstanding ability, but also a very special thank you to them, to the western medievalists who kindly chaired each session and whose comments are also included, as well as all the other contributors and participants in the conference.

I should start by stating that it was all Philip Grierson's fault – his course 'The Expansion of Medieval Europe, 1000–1500', at the University of Cambridge in 1964–5, introduced me to the value of coins as markers of economic expansion. Sometimes he almost seemed to apologise for using numismatic evidence, producing maps of the distribution of finds of Byzantine gold, Islamic gold and western silver pennies. Seeing how the glistening coins struck in the East Mediterranean were found all over the medieval world brought the Byzantine Empire and the Caliphate into focus in a completely new way: previously I'd only known these societies as regions through which western crusaders marched to relieve Jerusalem. Through their coins, their power and authority became clearer. Philip's course convinced me that it would be possible to contrast Byzantine and western society by examining some part of the empire before and after 1204. And that led me to the letters and speeches of Michael Choniates, metropolitan of Athens in the late twelfth century.

I wrote to Donald Nicol, who was then at Edinburgh, for advice and we arranged to meet at the University Library in Cambridge; at that time you could still have coffee in the garden on a sunny day. He stressed the importance of going to Greece, learning Modern Greek, and suggested the British School at Athens as a base. That was a most helpful pointer to the basic problem of learning classical Greek, as I hadn't had any opportunity to go beyond Latin at school. After graduating from Newnham College I started looking for ways to study the ancient

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language and found out that Birmingham University taught a course of Greek from Homer to the present day. Ron Willetts was the person who replied to my enquiry, saying 'You'd better hurry up as you've missed the first weeks'.

So in October 1965 I went to Birmingham and found him taking a class of four beginners through *The Odyssey* and the story of Nausicaa (these four were a mathematician, two lecturers in French and an American graduate, united only by their desire to learn Greek). For one year I was allowed to join this intensive course without paying any fees. Later George Thomson taught us grammar from his book on the Greek language (I still have a proof copy), and introduced us to the *Dodekalogo tou gyphtou*, which he was translating into English. With Meg Alexiou we read some of the hymns of Romanos and the poems of Theodoros Prodromos, learning erudite vocabulary, and with Sebastian Brock we studied the Gospel according to St Mark. It would have been difficult not to be infected with the general enthusiasm for all types of Greek, with Christos Alexiou teaching modern Greek to many graduates, including four from China who had been sent to Birmingham to be trained as classicists. And apart from all the experts in Greek, Birmingham was also home to historians Rodney Hilton, Douglas Johnson and Wendy Davies, and Bob Smith over in the Russian centre, while Stuart Hall was creating his pioneering Centre for Contemporary Culture. It was an exciting time and place.

Of course, the key person at Birmingham for me was Anthony Bryer (always known by his surname), a research fellow straight from Oxford when I arrived, but he was already building the coalition that later founded the Centre for Byzantine, Ottoman and Modern Greek Studies. His contacts with authorities beyond Birmingham – Sir Steven Runciman, the Talbot Rices and particularly Philip Whitting – strengthened his plans and secured the first endowments that brought books, journals and eventually the Whitting Coin collection to the university. More numismatics. Bryer was the most helpful supervisor; he read and corrected everything, all the spelling and punctuation, as well as my interpretation, and his energy was infectious. I do not think he was greatly interested in Michael Choniates but he supported my efforts to find out more about the social and economic situation of central Greece prior to the Fourth Crusade. He despaired of my participation in the great sit-in of 1969 but we survived that and continue to be the best of friends – I am only sorry that he wasn't able to attend the conference to be hailed as the foremost of my authorities.

When Bryer won a fellowship at Dumbarton Oaks and disappeared for a year to Washington DC, he arranged for Robert Browning to take over my supervision. We didn't meet often, but his interest in the text of Choniates helped my understanding of the Greek and shaped the outline of the thesis. It must have been that contact which led later to my recruitment to the editorial board of *Past and Present*, a seminal point in my education as a historian. As Elizabeth Jeffreys has written a rich appreciation of Robert's achievement as a Byzantinist, I would just like to confirm that his quietly commanding influence both as supervisor and colleague was profound.

Thanks to Donald Nicol, in 1966 I was able to spend six months at the British School in Greece when Peter Megaw was Director. It was most fortunate that Peter was then excavating at Saranda Kolonnes in Cyprus and needed people with an interest in Byzantine matters. For several seasons I worked on the Frankish castle built on top of a series of medieval and early Christian structures, although I was more useful with a camera than a trowel. For the real work Peter persuaded experts like Geoff Waywell and Lisa Ramsden to come, though there were always other volunteers like Catherine Froux, Charlotte Wrinch, Margaret Mullett and Demetra and Charalambos Bakirtzis. I realised that there was no limit to the expansion of Byzantium whenever you dig in places like Cyprus. Thus began my fascination with archaeology. Peter and Elektra were the kindest hosts and the best teachers: after a week's work, when many excavators would take a rest, they planned a Sunday *ekdrome* to some interesting site, and we all crammed into the car. After inspecting a church, a Neolithic tomb or visiting another dig, we would eat our picnic in a forested area where Elektra hoped we might find a particular plant she wished to draw, and we often got a swim on the way home. Peter knew every corner of Cyprus, where he had served as Director of Antiquities, and I learned a lot from his guided tours as well as asides and off-the-cuff comments. Without insisting in a pedagogic fashion, he gave very clear instructions which proved invaluable.

The same delight in history, ancient, medieval and modern, was shared by other archaeologists whom I had the good fortune to meet in Athens, such as George Huxley and Nicholas Coldstream, who invited me to Kythera and Crete, where we made the same sort of wide-ranging trips to sites like Kato Zakro. It was also during these summers devoted to archaeology that I first climbed up the Acrocorinth, the castles at Mistras and Monemvasia, tramped round Thessalonike, and made so many friends. This implanted a great love of Greece.

In August 1966 Oxford hosted the International Congress of Byzantine Studies and many British students were recruited to help with the organisation. This was a great moment for witnessing the pre-eminent authorities, such as George Ostrogorsky, and making contacts like Cécile Morrisson, David Jacoby and Paul and Eleanor Alexander, who became great friends. Madame Ahrweiler was resplendent wearing a yellow trouser suit and encouraged me to go and study in Paris. With Bryer's support, I got time off from Birmingham to witness how Byzantium was taught and practised there. La belle Hélène, as she was generally called, instructed me to register for her 'maîtrise' course, where I found a large crowd of enthusiastic Greeks and French students. Some of them remain among my closest friends. Much more authoritative, however, were the seminars at the Collège de France run by Paul Lemerle, who was just beginning the systematic study of the Athos archives, and the classes of Nikos Svoronos, preparing his translation of the Macedonian land legislation. Lemerle was terrifying: all-knowing and bluntly critical of incorrect translations or hesitant suggestions, clearly a master. It was not pleasant to watch him testing Denise Papachryssanthou's interpretations, but she produced a brilliant edition of the *Acts* of the Protaton, and in those seminars

I learned how difficult the process of editing Byzantine texts could be. Svoronos was more encouraging and very helpful in the analysis of some of the more obscure phrases of Michael Choniates. Where Lemerle was always impressively well groomed in dark blue suits, Svoronos was tanned and rather untidy. Both had an amazing range of skills, which they shared. Paris also had another wonderfully generous authority in the form of Father Jean Darrouzès, an Assumptionist Father who edited the *Revue des études byzantines* and guided many young researchers in the Order's magnificent library. I drank in the scholarship of Paris at the height of its influence.

When I went on a Humboldt scholarship to Munich, the next authority was Hans-Georg Beck. He ran a different sort of Institute with an international cast of colleagues and students: Italians, Greeks, Americans, a Japanese professor and representatives of all Balkan countries. It was a truly global experience that evoked the spirit of Krumbacher. Established German traditions were observed: lectures at the same time, 8.00 am on Monday mornings; palaeography, the essential tool, was taught by Paul Speck, the *Byzantinische Zeitschrift* continued to be prepared. All were features of Beck's authority, which Vera von Falkenhausen has drawn together in her admirable contribution to this volume.

At the time I regretted, and even now I still regret, that I could not stay longer in Munich, where the conditions for learning unusually favourable. But an opportunity to work in Constantinople called me away. With a fellowship at Dumbarton Oaks that was divided between Washington and the 'Queen City', now Istanbul, I was employed to study the pottery finds from Kalenderhane Camii. Constantinople became an inspiration in itself – and there I met a teacher and mentor of a different quality, Ernest Hawkins. I had visited him in 1966 on my first visit to Istanbul, when he invited me to Kariye Camii and introduced me to the delights of Moda, a suburb on the Asian side of the Bosphoros. In the 1970s we both worked at Kalenderhane and shared the Dumbarton Oaks apartment in Cihangir. His authority extended to practical matters, like buying yoghurt from the street vendor and soaking the beyaz peynir overnight before eating it, as well as Byzantine problems. With his exhaustive knowledge of the city, Ernest introduced me to many unfamiliar markets, mosques and inaccessible monuments, Turkish as well as Byzantine. Once he took me up to the catwalk around the base of the dome of Hagia Sophia to see the apse mosaic close to, and he made sure I witnessed the Italian restorers rehanging the bronze doors of Theophilos. One evening we were rowed across the Bosphoros to a party given by Russian aristocrats in a yalı on the Asiatic side. We spent a long time in the monastery of Studios, and everywhere we went Ernest talked about all the mosaics and frescoes he had worked on. If only I had been able to record all his observations about their execution and likely dating.

Other frequent visitors to the Dumbarton Oaks apartment included John Hayes, who was already *the* world authority on Late Roman pottery, and Michael Hendy, *the* authority on imitation Byzantine coins, who was completing his masterly study of the Byzantine economy. John was wonderfully helpful on the pottery finds from Kalenderhane, and Michael established a serious dating

sequence from the coin finds. Sadly, this work is still not fully available, as the two published volumes excluded much of our detailed analysis. Since the two men didn't get on well, life in Cihangir was always a bit edgy but we managed to agree on the need to enjoy eating and drinking, an easy matter in Istanbul, which proved a great leveller. And I was challenged by their expertise, the result of total concentration and commitment to their raw materials.

Back in London, the Warburg Institute was my home for four years; I always love working in the library arranged by topic rather than Dewey call numbers, and was delighted to share an office with Patricia Crone, already an authority on the history of early Islam. In the late 1970s Averil and Alan Cameron were organising a reading group here at King's, which gathered many of my contemporaries, authorities in the making – notably Charlotte, now Roueché, and Robin Cormack. Working on the *Parastaseis syntomoi chronikai* with Averil was a deeply enriching experience – proof that in the right hands collective effort could produce striking results. Years later I was proud to be her successor here.

Then I met a great Russian authority, Alexander Kazhdan, en route from Moscow to Dumbarton Oaks in America – what a dramatic change. At my insistence he came to lecture at the Warburg Institute, which contained his earliest published work on ancient Greek cults, as well as his Byzantine masterpieces, *Agrarian Society in the Thirteenth and Fourteenth Centuries* (1952); *Village and City in Ninth and Tenth Century Byzantium* (1960); and *Social Analysis of the Ruling Classes in Byzantium* (1974). As usual he stood without notes and spoke in his then poor English about theories of continuity and discontinuity in the history of Greece. He was a very special authority, deeply rooted in the Russian tradition of Byzantine Studies, yet anxious to open new fields, explore different ways of studying this civilisation. Once established at Dumbarton Oaks he persuaded the Director, Giles Constable, to undertake the gigantic work of compiling the dictionary of Byzantium (the *ODB*, published in three volumes in 1991), as well as the hagiography and typika projects. Yet his judgement was severe: he condemned the *Parastaseis* as a joke, a nonsense, not worth studying, and characterised the Byzantine attitude towards women as 'ambiguous' – expressions that provoked my angry dissent. Arguing with Alexander was tough because his authority was overwhelming but he was also affectionate and playful.

In addition to such inspiring authorities and challenging possibilities, there were the times of hard knocks as well, periods of unemployment when I couldn't find a job. In the 1980s while I was cherishing an ambitious plan to write a book, my closest companion and partner, Anthony Barnett, insisted that when I finished it things would change. He also introduced me to Norbert Elias with whom I enjoyed discussing the civilising aspects of Byzantium, for instance, the fork. Norbert took me to visit to the island of Reichenau, an important trip which I recalled in the afterward to *The Formation of Christendom*. This was the book that Anthony helped me to complete, and then things did indeed change: the Davis Center at Princeton University provided a six-month visit, and the Press agreed to publish the manuscript.

At Princeton I witnessed another great authority, not Byzantine: Lawrence Stone, whom I first met at editorial board meetings of *Past and Present*. As Director of the Shelby Cullom Davis Center, Lawrence developed methods of extracting maximum value from the Friday morning seminars, always followed by an extravagant lunch, which created highly stimulating meetings. He frequently opened his comments on the pre-circulated paper with a fairly devastating attack though his summing up was usually helpful and positive. I owe him a great debt for challenging my ideas about charity in Byzantium, the subject that first took me to Princeton.

After several later visits to Princeton it was Lawrence who persuaded the Program in Hellenic Studies and the History Department to jointly create the Stanley J. Seeger Chair in Byzantine History and I was deeply honoured to be the first occupant. It was an extraordinary time to join these thriving institutions, particularly because of the large and inspiring presence of Peter Brown. Many years before we had met at what became identified as the first Spring Symposium in Birmingham – it was a one-day event of a few lectures, quite modest in comparison with the present, annual three-day conference. In 1991 it was a tremendous privilege to become one of his colleagues, and to learn from him as we taught together and shared in the training of some particularly brilliant graduates, two of whom have contributed to this volume. My students have also been authorities in their own way, and I have learnt much from their generous and thoughtful support.

This brings me to the dreadful process of finding that many of my most influential authorities are no more. Worse still, some of my contemporaries, or scholars only slightly older, are also missing – I think particularly of the recent, profound loss of Evelyne Patlagean and Angeliki Laiou. The sense of feeling that I am now an authority is discomforting, for I know that there is always so much more to learn. In that spirit, the conference whose proceedings are published in this volume created an opportunity to appreciate the work of the experts gathered together, their very varied approaches to the term 'authority', and what it means in their field of Byzantine Studies.

Judith Herrin
London
December 2011

Part I

The Authority of the State

1

Aspects of Moral Leadership: The Imperial City and Lucre from Legality

Jonathan Shepard

Byzantine rhetoric and symbolism persistently depict the emperor as upholding equity and order on behalf of Christ – for his subjects and for the wider world. Serving as lawmaker, judge and virtual 'world policeman', his actions had the force of moral sanction.[1] By this thinking, military action against outsiders constituted punishment, physical sanctions in response to immoral acts against the empire and her subjects. This did not mean that physical force had to be applied whenever the state's vital interests were imperilled. On the contrary, a standard epithet of the emperor was 'peacemaker'; court ceremonial celebrated him as the Christ-like harbinger of a new 'peace' and benign order for mankind and, in practice, efforts were made to use force in a disciplined way,[2] with frequent recourse to *non*-violent means of protecting the empire's interests – grants of court titles, gifts and tribute payments to foreign leaders, meddling in their internal politics, and other staples of 'Byzantine diplomacy'.[3] These twin roles of 'punisher' and 'peacekeeper' through non-violent roles are not inherently incompatible, but they are easily lampooned or rationalised in twenty-first-century terms. Buying off one's enemies was the obvious course to take when one was at a military disadvantage, as Byzantium so often was; and the 'carrot-and-stick' treatment for some barbarians advocated in Constantine VII's handbook, the *De administrando imperio*, might seem to take

[1] These qualities are paraded clearly, their accentuation varying with circumstances, in preambles to imperial laws and other pronouncements: H. Hunger, *Prooimion: Elemente der byzantinischen Kaiseridee in den Arengen der Urkunden* (Vienna, 1964), 84–94, 99–109, 114–17, 159, 180–6.

[2] See for example, O. Treitinger, *Die oströmische Kaiser- und Reichsidee nach ihrer Gestaltung im höfischen Zeremoniell* (repr. Darmstadt, 1956), 124–34, 228–31; Hunger, *Prooimion*, 32, 59–62, 109–12, 143–53; J.F. Haldon, *Warfare, State and Society in the Byzantine World, 565–1204* (London, 1999), 13–14, 21–7, 32, 193–225. See also M. Grünbart, *Formen der Anrede im byzantinischen Brief vom 6. bis zum 12. Jahrhundert* (Vienna, 2005), 143–4.

[3] D. Obolensky, 'The principles and methods of Byzantine diplomacy', repr. in his *Byzantium and the Slavs* (Crestwood, NY, 1994), 1–22; contributions to J. Shepard and S. Franklin, eds, *Byzantine Diplomacy* (Aldershot, 1992).

the shine off his pious ceremonial stance. Moreover, Byzantine statecraft was sometimes branded as deceitful by contemporary foreigners, with those educated in the Latin classics repeating their topoi about the 'perfidious Greeks'.[4]

This is not the occasion to explore the shifting patterns of foreigners' insults over time, or to argue, through the proposition just stated, that peacekeeping and occasional 'punishment' through physical force were mutually compatible. Our aim is merely to recall that the idea that *force majeure* should be exercised only by agents or soldiers of the emperor, serving a specific higher law, was deeply engrained in Byzantium. It pervades the *Ecloga* of Leo III, where the moral state of society and obedience of God's commandments are seen as indispensable to regaining His favour and winning victories: harsh corporal punishments for immorality as well as outright criminal acts are the means to maintaining a strict moral order, the best form of defence against (foreign) assailants.[5] And, perhaps more surprisingly, this lofty aspiration was transmitted to foreigners in a number of indirect ways, some of them involving the foreigners' material self-interests and their own sense of fair play. I shall focus on just two of the means whereby the image of imperial authority as peaceful and equitable was not merely propagated but shown to be realisable in everyday life in a particular setting while, at the same time, being geared to the material interests of a wide variety of external societies.

The first of these means, the particular setting, is the city of Constantinople itself. The place of the City in Byzantines' visions of their destiny is well known, and topics such as the provisioning of the population and its supernatural defenders have received expert attention. Judith Herrin has herself pointed out that an alternative name for the City was Theotokoupoulis, 'Mother of God's City'.[6] Here I shall pick out another aspect of the empire's 'surprising life', the question of why an extensive history of the City's inhabitants and their relations with the emperor would be extremely difficult. There are too few 'events' of the sort that would sustain a coherent narrative. More precisely, we lack accounts of violent confrontations or regular negotiations between organised groupings and the authorities, or of persistent conflicts between families, factions or districts within the City, at least before the late thirteenth and the fourteenth centuries.[7] The gatherings of crowds and serious outbreaks of mob violence recorded for the

[4] H. Hunger, *Graeculus perfidus Ἰταλός ιταμός* (Rome, 1987), 18–19, 25–7, 36.

[5] See, in particular, the preamble: Leo III, *Ecloga*, ed. L. Burgmann, *Das Gesetzbuch Leons III. und Konstantinos' V.* (Frankfurt am Main, 1983), esp. 160.21–162.31, 34–6.

[6] J. Herrin, *Byzantium: The Surprising Life of a Medieval Empire* (London, 2007), 15.

[7] For the occurrence of various types of assembly, including senate assemblies, those called by the patriarch, and convocations in Constantinople, Thessalonica and elsewhere, see C.N. Tsirpanlis, 'Byzantine parliaments and representative assemblies from 1081 to 1351', *Byzantion* 43 (1973), 432–81. By the fourteenth century, writers like Thomas Magistros were formulating ideals that would have curbed the emperor's rights of taxation; Thomas also advocated an urban militia, albeit for Thessalonica rather than Constantinople: D. Angelov, *Imperial Ideology and Political Thought in Byzantium, 1204–1330* (Cambridge, 2007), 300–5.

eleventh and twelfth centuries were the exception, not the norm. Demonstratively fortified palaces erected by persons other than the ruling emperor seem to have been more a feature of later Palaiologan Constantinople, concomitant with the diffusion of authority and persistent disaffection amongst the populace.[8]

In other words, the image of good order deliberately promoted in court ceremonial, presenting the comings and goings of the emperor's subordinates as reflecting the harmonious workings of the universe, did not stop at the palace gates. The entire *polis* was a working model of good order, graced by the presence of the emperor under God, even if the number of regular processions of the emperor throughout the streets was limited in the middle Byzantine period, and an ordinary watch-keeper would expect to see him only 'rarely', and from afar.[9] A novel of Leo VI declared that anyone in the City, 'rich and poor' could appeal to the emperor, should they undergo an injustice; 'in this City', effective redress is readily available upon petitioning to the emperor, quite unlike conditions 'in a country bereft of all imperial help (*boetheia*)'.[10] This claim can be set beside the apparent readiness of charitable institutions to send precious textiles to adorn the palace and of the citizens' responsiveness to calls to decorate the frontages of their own homes and beautify the streets on such occasions as victory parades and receptions of important foreign embassies.[11] One might also recall the oration

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[8] L. Garland, 'Political power and the populace in Byzantium prior to the Fourth Crusade' *Byzantinoslavica* 53 (1992), 17–52. For fifteenth-century Constantinople, see U. Peschlow, 'Die befestigte Residenz von Mermerkule: Beobachtungen an einem spätbyzantinischen Bau im Verteidigungssystem von Konstantinopel', *Jahrbuch der österreichischen Byzantinistik* 51 (2001), 394–7, 401–3; N. Necipoğlu, *Byzantium Between the Ottomans and the Latins* (Cambridge, 2009), 196–8.

[9] Liudprand, *Antapodosis*, I.11, in *Liudprandi Cremonensis opera omnia*, ed. P. Chiesa (Turnhout, 1998), 11; tr. F.A. Wright, *The Works of Liudprand of Cremona* (London, 1930), 39; A. Cameron, 'The construction of court ritual: the Byzantine *Book of ceremonies*', in D. Cannadine and S. Price, eds, *Rituals of Royalty: Power and Ceremonial in Traditional Societies* (Cambridge, 1987), 130–1; R. Morris, 'Beyond the *De ceremoniis*', in C. Cubitt, ed., *Court Culture in the Early Middle Ages* (Turnhout, 2003), 253. The development of processions of wonder-working icons such as the Hodegetria through the streets did not necessarily detract from the emperor's role as earthly caretaker, and by the fourteenth century the Hodegetria panel icon was integrated into Palaiologan Easter observances: Pseudo-Kodinos, *Traité des Offices*, ed. J. Verpeaux (Paris, 1966), 231 and n.1; C. Angelidi and T. Papamastorakis, 'The veneration of the Virgin Hodegetria and the Hodegeon monastery', in M. Vassilaki, ed., *Mother of God*: *Representations of the Virgin in Byzantine Art* (Athens, 2000), 377–85.

[10] Leo VI, *Les Novelles*, ed. P. Noailles and A. Dain (Paris, 1944), 285.7–9, 11–12; Hunger, *Das Proiimion* (Vienna, 1984), 126. In practice, direct appeals to the emperor were often – though by no means exclusively – channelled through an official enjoying good access to the emperor: R. Morris, 'What did the *epi tôn deêseôn* actually do?', in D. Feissel and J. Gascou, eds, *La Pétition à Byzance* (Paris, 2004), 125–40.

[11] Constantine VII Porphyrogenitus, *De cerimoniis aulae byzantinae*, ed. J.J. Reiske, I, *Corpus scriptorum historiae byzantinae* (Bonn, 1829–30), II.15, 572–3; John Skylitzes,

Eustathios Kataphloron delivered to Manuel I Komnenos, while he was still 'teacher of the orators'. In what Eustathios explicitly terms a 'petition', with the City 'crying out through us', he urges the emperor to resolve the water shortage afflicting Constantinople. Manuel seems to have responded promptly with the construction of an underground reservoir and water pipes in 1169.[12] To reflect upon such hints that consensus between emperor and people was not just a flight of rhetorical fancy is all the more appropriate in light of Judith Herrin's valuable study on the emperor's relationship with the City which points clearly in the same direction.[13]

The points I would like to outline here are that that law and order seem to have been maintained to a degree most unusual in the larger medieval towns, even Muslim centres such as Baghdad, Cordoba or Cairo;[14] that this seems to have

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Synopsis historion, ed. H. Thurn (Berlin and New York, 1973), 417.8–9; M. McCormick, *Eternal Victory* (Cambridge, 1990), 204–7; Morris, 'Beyond the *De ceremoniis*', 247.

[12] Eustathios of Thessalonica, *Opera minora magnam partem inedita*, ed. P. Wirth (Berlin and New York, 2000), 43 (introduction), 289.5–8, 290.31–2 (text); John Kinnamos, *Epitome rerum ab Ioanne et Alexio Comnenis gestarum*, ed. A. Meineke (Bonn, 1836), 274–5; tr. C.M. Brand, *Deeds of John and Manuel Comnenus* (New York, 1976), 205–6; M. Grünbart, 'Spartans and Sybarites at the Golden Horn: food as necessity and/or luxury', in M. Grünbart et al., eds, *Material Culture and Well-Being in Byzantium (400–1453)* (Vienna, 2007), 136.

[13] J. Herrin, 'Byzance: le palais et la ville', *Byzantion* 61 (1991), 213–30.

[14] To substantiate this generalisation cannot be attempted here, bearing in mind that conditions varied between places and fluctuated over time in Latin Christendom as well as the Muslim world; that violence may have been commoner amongst the youth of rural villages than in cities, where courts or a consensus seeking orderly conditions for trade militated against casual violence; and that violence in large towns anyway took many forms, with vendettas engendering equilibrium of a sort: D. Romagnoli, 'La courtoisie dans la ville', in D. Romagnoli, ed., *La Ville et la Cour: Des bonnes et des mauvaises manières* (Paris, 1995), 38, 58–66, 72–8; A. Zorzi, 'Pluralismo giudiziario e documentazione. Il caso di Firenze in età communale', in J. Chiffoleau et al., eds, *Pratiques sociales et politiques judiciaires dans les villes de l'Occident à la fin du Moyen Âge* (Collection de l'École française de Rome 385) (Rome, 2007), 172–87; R. Muchembled, *Une histoire de la violence: De la fin du Moyen Âge à nos jours* (Paris, 2008), 85–6, 93–9, 135–47, 162, 182–4. Nonetheless, the incidence of assaults and killings in northern European centres such as Paris, London and Arras looks spectacular once detailed records kept by the authorities become more plentiful from the fourteenth century on; one may suspect that their Constantinopolitan counterparts, had they survived, would tell a rather different story. See N. Gonthier, *Cris de haine et rites d'unité: la violence dans les villes, XIIIe–XVIe siècle* (Paris, 1990), 102–4, 111, 113–37; D. Nicholas, *The Later Medieval City, 1300–1500* (London, 1997), 305–15; Muchembled, *Histoire*, 82–4, 136–9, 166–9; P. Spierenburg, *A History of Murder: Personal Violence in Europe from the Middle Ages to the Present* (Cambridge, 2008), 15–32. Of western Europe, S. Cohn has observed that 'over 90% of popular revolts and movements described by chronicles took place in towns', while chroniclers' figures are 'the tip of the proverbial iceberg, as the archival sources suggest': *Lust for Liberty: The Politics of Social Revolt in Medieval Europe, 1200–1425. Italy, France and Flanders* (Cambridge, MA, 2006), 53. For the disorder occasioned by the

been maintained without much recourse to arms on the part of the authorities; and that this state of tranquillity, of order sustained largely without force of arms, offered visible confirmation of the emperor's high-flown claim to be the upholder of general peace. This almost freakish phenomenon would not just have been witnessed by the leaders of foreign embassies and other notables granted access to the palace's ceremonies. It would have been evident to any visitor, whether he (and it usually was a 'he') was a trader, servant in the often sizeable entourages of foreign embassies, or a prisoner of war.

To make these claims for the 'eventlessness' of the history of the City in the medieval period is to risk charges of arguing from silence when our narrative sources are fairly sparse, and to ignore the occasions when there were upheavals. But most of the serious riots or confrontations were overspills from divisions at court; or attempts at sidelining or overthrowing emperors who appeared rightful in the populace's eyes. It was emperors who flouted the conventions, quartered many soldiers in the City and ignored bread-and-butter issues such as the cost of living, and who aroused discontent to the point of incessant rioting. This was the plight of Nikephoros II Phokas, whose staging of a tournament and mock cavalry charges in the Hippodrome induced mass panic and a fatal stampede for the exits among 'the citizens, ignorant of military matters', in Leo the Deacon's words.[15] The irony here is that this same emperor, who paraded his military background and calling,

presence of soldiers in Baghdad, see H. Kennedy, *The Court of the Caliphs* (London, 2004), 45, 88, 95–9, 202, 213–19, 274. For diverse forms of popular unrest: S. Sabari, *Mouvements populaires à Baghdad à l'époque 'Abbaside IX–XI siècles* (Paris, 1981), 57–75, 121–6. Cordoba enjoyed tranquillity and prosperity for much of the tenth century, but the residence or close proximity of warriors – *saqaliba* and Berbers – fostered tensions, and the city suffered lasting dislocation upon the collapse of the caliphate in the early eleventh century: H. Kennedy, *Muslim Spain and Portugal: A Political History of al-Andalus* (London, 1996), 85–6, 98, 124–9; P. Guichard, *From the Arab Conquest to the Reconquest: the Splendour and Fragility of al-Andalus*, tr. T. Jermyn and G. Smith (Granada, 2006), 108, 112, 114, 117–24. On the early Fatimids' attempt to make Cairo a 'ritual city', with quarters named after the regiments of troops living there, see P. Sanders, *Ritual, Politics and the City* (Albany, NY, 1994), 51–66.

[15] Leo the Deacon, *History*, ed. C.B. Hase, *Historiae libri decem* (Bonn, 1828), 63; tr. A-M. Talbot and D.F. Sullivan, *The History of Leo the Deacon: Byzantine Military Expansion in the Tenth Century* (Washington, DC, 2005), 112. Besides Leo (*History*, ed. Hase, 64; tr. Talbot and Sullivan, 112), John Skylitzes signals Constantinopolitan discontent about overpriced necessities such as corn: *Synopsis Historion*, ed. Thurn, 277–8. So, too, does a foreign eyewitness (albeit hostile), Liudprand of Cremona, *Legatio*, ch. 44 in *Liudprandi Cremonensis opera omnia*, ed. P. Chiesa (Turnhout, 1998), 206; tr. Wright, 261. Skylitzes offers, by way of contrast, an anecdote demonstrating Basil I's solicitousness for the citizens and anger with his officials for failing to inform him of a corn shortage. Whatever the historicity of the tale, its message held true in Skylitzes' day as in Basil's, and Skylitzes chose his materials with an eye to present-day political concerns: C. Holmes, *Basil II and the Governance of Empire (976–1025)* (Oxford, 2005), 186–202, 233, 237–8.

had serious difficulty in keeping the citizens in order and resorted to fortifying the more prestigious part of his palace so as to protect himself from them.[16]

Individual episodes like these are open to varying interpretations, but they should not be dismissed outright. After all, one of our sources for the crush in the Hippodrome – Leo the Deacon – was generally sympathetic towards Nikephoros. And his picture of civilians horrified by 'the novel spectacle' of drawn swords and clattering weaponry accords with the prescriptions of imperial laws and regulations which ban the bearing of arms.[17] These applied to foreign visitors as well as to the emperor's civilian subjects and, famously, the Rus were required to leave their weapons behind when they wanted to enter the City's gates to trade.[18] The envoys of Emperor Louis II are said to have outraged the citizens by walking around with swords bared, ready to kill man or beast; only fear of their own emperor restrained them from tearing the envoys apart 'not with swords but (their) teeth'.[19] Admittedly, one night in the small hours the metropolitan of Nicaea, Theodore, was set upon in the middle of the City by a drunken band and he suffered a blow to the temple. But, as his letter addressed to Constantine VII indicates, they constituted some sort of unit and their commander was a senior courtier (*koitonites*), who proceeded to accuse him of having stolen money belonging to the emperor. Theodore considered the incident unusual as well as outrageous, and sought legal satisfaction 'from you [the emperor], who cherishes what is right on

[16] Leo the Deacon, *History*, ed. Hase, 64; tr. Talbot and Sullivan, 113. On the wall, see C. Mango, 'The palace of the Boukoleon', *Cahiers Archéologiques* 45 (1997), 42, 45–6 and fig. 5.

[17] Justinian cited prevention of violence and bloodshed among his subjects as the reason for a general ban on the carrying or use of weapons by private persons in towns or countryfolk in villages: *Novellae*, ed. R. Schöll and G. Kroll, *Corpus iuris civilis*, III (repr. Berlin, 1954), no. 85, 414, 416; Hunger, *Prooimion*, 67. This novel appears to have remained in force and, in the relatively secure conditions of the tenth to the mid eleventh century, aristocratic rural residences could generally dispense with fortifications: T.G. Kolias, '*Τα οπλα στη Βυζαντίνη κοινωνία*', in C. Angelidi, ed., *Η καθημέρινη ζωη στο Βυζαντίο* (Athens, 1989), 466–8 and n. 18; M. Whittow, 'Rural fortifications in western Europe and Byzantium, tenth to twelfth century', *BF* 21 (1995), 63–71; J-C. Cheynet, 'The Byzantine aristocracy (8th–13th centuries)', English tr. in J-C. Cheynet, The Byzantine aristocracy and its military function (Aldershot, 2006), no. 1, 36–7. At the same time, a total arms ban would have been more practicable within the confines of a city such as Constantinople than in rural settings where agricultural axes, knives and hunting gear were ever available for use in disputes, and Leo VI positively encouraged the keeping of a bow in every household, ready for combat: Kolias, '*Τα οπλα*', 469–70.

[18] *Povest' vremennykh let*, ed. V.P. Adrianova-Peretts and D.S. Likhachev, 2nd edn rev. M.B. Sverdlov (St Petersburg, 1996), 17.

[19] Such was Basil I's claim in his celebrated letter to Louis II, which can be partially reconstructed from Louis' riposte: *Chronicon Salernitanum*, ed. U. Westerbergh (Stockholm, 1956), 118; T.G. Kolias, 'Τα οπλα', 469.

behalf of all'.[20] The unit does not seem to have been engaged in policing, although armed with cudgels and iron-tipped clubs: seemingly, the men had spent on drink public money that had been designated for distribution to the poor, and now turned on Theodore as scapegoat.[21] There was no shortage of foreign-born guards and other exotic members of the emperor's entourage, clasping spears and shields covered with gold, and Liudprand commented on the high cost of maintaining the palace guard.[22] But these did not amount to a force geared to maintaining internal security across the City as a whole. Recent research has indicated that the permanent professional garrison of Constantinople was very modest in size and so, when 'barbarians' appeared suddenly at the gates, the emperor seldom had enough combat-ready troops on call.[23] In fact, he seems to have counted on the ordinary citizens of Constantinople to form a kind of 'home guard' and man the walls as, for example, when Leo Tornikios' rebel army suddenly appeared before Constantinople in 1047: the emperor 'scoured the jails' in quest of soldiers, and relied mainly on 'a mass of citizens' (πλῆθος πολιτικῶν οὐκ ὀλίγων) for the City's defence. Likewise, when the Bulgarians ranged up to the capital after their victory at Bulgarophygon, Leo VI released Muslim prisoners of war and gave them arms to help repel the attackers.[24] All this implies the existence of a kind of consensus embracing both the inhabitants of Constantinople and the emperor, no less real or effective for being without systematic codification.

One may fairly question whether the formal restrictions on arms-bearing and a garrison kept undermanned from considerations of fiscal and political prudence really constitute evidence of 'safe streets', or of a high degree of personal security and regard for property in Constantinople. But this is the presumption in tenth-century hagiographical depictions of daily life in Constantinople, whether they are edifying tales to instruct provincials about wonders in the capital, such as those

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[20] J. Darrouzès, *Épistoliers byzantins du Xe siècle* (Paris, 1960), 270.13–18, 271.42–7, 272.100–1; Kolias, 'Τα οπλα', 469.

[21] Darrouzès, *Épistoliers byzantins*, 271.59–60 and n. 15.

[22] Liudprand, *Antapodosis*, I.12, ed. Chiesa, 14; tr. Wright, 42; A. Vasiliev, 'Harun-ibn-Yahya and his description of Constantinople', *Seminarium Kondakovianum* 5 (1932), 156, 158; N.M. El Cheikh, *Byzantium Viewed by the Arabs* (Cambridge, MA, 2004), 145, 155–6. See, on the units of the guard, N. Oikonomides, *Les Listes de préséance byzantines des IXe et Xe siècles* (Paris, 1972), 327–9.

[23] J.F. Haldon, 'Strategies of defence, problems of security: the garrisons of Constantinople in the middle Byzantine period', in C. Mango and G. Dagron, eds, *Constantinople and its Hinterland* (Aldershot, 1995), 149–55. The garrison of the City was also minimal in the early Byzantine era: G. Dagron, *Naissance d'une capitale* (Paris, 1974), 108–12.

[24] Michael Psellos, *Chronographia*, ed. E. Renauld, II (Paris, 1928), 23.7–14; A.A. Vasiliev, *Byzance et les Arabes*, II.2 (Brussels, 1950), 11–12; Haldon, 'Strategies of defence', 150.

ascribed to Paul of Monemvasia,[25] or portrayals of holy men at odds with the ecclesiastical establishment and with urban proprieties in general, such as the *Lives* of (respectively) Basil the Younger and Andrew the Fool. There has been scholarly debate as to the historicity of the episodes related in these *Lives*, and even of the heroes themselves: the author of Andrew's *Life* deliberately evoked the atmosphere of Constantinople four or more centuries earlier in order to add 'tone' to his own holy man.[26] But with their sideswipes at worldly monks and churchmen and their disdain for ordinary lives revolving around material goods to the neglect of higher values, they are levelling criticism at contemporary conditions in the capital. One problem, for spiritual movers and shakers, was that too many of its inhabitants felt secure to the point of complacent worldliness. It is the saint who disturbs order, most spectacularly the holy fool, who bemuses people and (for the best of reasons) fosters mayhem.[27] Serious violence is threatened only from outside, from assaults by barbarians such as the Hungarians and the Rus.[28] Saints are not threatened by local robbers or men of blood in the manner of many of their western counterparts, a contrast which seems to hold true for the hagiography of provincial saints as well as the capital's. Judging by the *Life* of Andrew the Fool, security was maintained by the Watch (*Bigla*), which patrolled the streets at night, and Liudprand writes of 'armed soldiers' stationed at every crossroads.[29] Yet it is not clear that they were armed with anything more fearsome than staves, even if Liudprand's cautionary tale suggests that they used them freely. The prime quality then expected of their commander, the *droungarios tes Biglas*, seems to have been personal loyalty to the emperor rather than military skills, although one or two of them turned out to have talent in that field, John Kourkuas, for example.[30]

[25] *Les récits édifiants de Paul, évêque de Monembasie et d'autres auteurs*, ed. and tr. J. Wortley (Paris, 1987), nos. 5–7, 13, 52–7, 58–61, 62–7, 104–9.

[26] P. Magdalino, '"What we heard in the *Lives* of the saints we have seen with our own eyes": the holy man as literary text in tenth-century Constantinople', in J. Howard-Johnston and P.A. Hayward, eds, *The Cult of Saints in Christianity and Islam: Essays on the Contribution of Peter Brown* (Oxford, 1999), 86–95, 111–12.

[27] *Life of Andrew the Fool*, ed. and tr. L. Rydén (Stockholm, 1995), II, for example, 18–19, 36–7, 62–3, 94–5, 98–9, 102–3. Indirect corroboration of the *Life*'s implication of relaxed conditions may come from the evidence for women's active participation in Constantinople's commerce, festivities and street life: L. Garland, 'Street life in Constantinople: women and the carnivalesque ', in L. Garland, ed., *Byzantine Women: Varieties of Experience, 800–1200* (Aldershot, 2006), 165–7, 171–4.

[28] *Life of Basil the Younger*, ed. and tr. D. Sullivan (Washington, DC, forthcoming).

[29] Liudprand, *Antapodosis*, I.11, ed. Chiesa, 10; tr. Wright, 38; *Life of Andrew the Fool*, ed. and tr. Rydén, II, 28–31 (I am very grateful to John Haldon for this reference).

[30] On the *droungarios tes Biglas*: R. Guilland, 'Le Drongaire et le Grand drongaire de la Veille', repr. in his *Recherches sur les institutions byzantines*, I (Amsterdam, 1967), 563–87. He was responsible for security in the palace, and subsequently presided over the law courts in the covered Hippodrome: Oikonomides, *Listes de préséance*, 331; *Oxford Dictionary of Byzantium* [henceforth *ODB*], ed. A.P. Kazhdan et al., I (Oxford and New York, 1991), 663.

In other words, Constantinople generally needed to be only lightly policed, and this is the impression given by Liudprand of Cremona, too, both directly and indirectly. In his *Tit for Tat* he provides a number of vignettes probably deriving from gossip picked up during his visit in 949, for example the story of Leo VI's wandering through the streets incognito, arrest for breach of the curfew, confinement and inability to bribe his guards to release him. Tall story this may be, yet it does imply an equilibrium of constraints and *ad hoc* relaxation – a nightly curfew imposed from above and mollified by bribes: brothels such as the one Leo was ostensibly on his way to could scarcely have functioned by day alone.[31] The tale's presupposition is indirectly corroborated by Liudprand's account of his own stay in Constantinople in 968. He can find nothing good to say about his hosts, and remarks upon the high price of corn. But not a word about robbery, other forms of violence or endemic lawlessness in the streets, even though his stay occurred in the closing stages of Nikephoros' reign, which were, according to our Byzantine sources, marred by a general breakdown in order in Constantinople (see above, pp. 13–14). If one dismisses Liudprand's silence on this subject as inconclusive, one must account for the reports of Muslim prisoners of war, such as those deriving from al-Jarmi or Harun ibn-Yahya. These, too, consistently emphasise the tranquillity of public spaces in the capital, and Harun notes the voluntary attendance of the inhabitants at spectacles such as the Hippodrome, treating the citizens of Constantinople almost as a nation apart.[32] Their picture is the more significant in that the Abbasids were ever on the lookout for chinks in the Byzantine armour – weak spots which they could exploit, as the imperial government itself did when Baghdad was wracked by disorder in the tenth century.[33] In other words, the testimony of these observers seems to bear out Byzantine rhetoric's image of the empire – at least when embodied in the form of the City – as a haven and promoter of universal peace. One may note, by way of contrast, that Odo of Deuil comments on the 'murders and robberies and other crimes which love the darkness' he observed in Constantinople's poor quarters at the time of the Second Crusade.[34]

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[31] Liudprand, *Antapodosis*, I.11, ed. Chiesa, 10–12; tr. Wright, 38–40; *Life of Andrew the Fool*, ed. and tr. Rydén, II, 30–1, 32–7, 156–9, 166–7.

[32] Vasiliev, 'Harun-ibn-Yahya', 155; El Cheikh, *Byzantium Viewed by the Arabs*, 144.

[33] For example, Romanos I's accurate forecast that the Abbasid government would fail to protect the inhabitants of its border regions in 925/6 probably rested on intelligence concerning the weakness of al-Muqtadir's government in Baghdad: Vasiliev, *Byzance et les Arabes*, II.2, 148; A.A. Vasiliev, *Byzance et les Arabes*, II.1 (Brussels, 1968), 258–9; H. Kennedy, *The Armies of the Caliphs* (London, 2001), 160–4.

[34] Odo of Deuil, *De profectione Ludovici VII in orientem*, ed. V.G. Berry (New York, 1948), 64–5. Odo ascribes the lawlessness to 'perpetual darkness' in areas overshadowed by the buildings of the rich: the street lighting well attested for early imperial Constantinople may not have kept pace with twelfth-century development. See M.M. Mango, 'The commercial map of Constantinople', *Dumbarton Oaks Papers* 54 (2000), 193 and n. 44.

If an unusually high degree of personal security prevailed in the City until the expansion of the twelfth century – and even then, Italian merchants took security of property rights for granted, judging by their charters[35] – this could be put down simply to well-organised policing, with the threat of violent coercion from the authorities still looming over citizens, even if kept discreetly in the background. But this leads on to the question of how far '*non*-violent coercion' contributed to the general maintenance of peace in the streets, perhaps making the City's inhabitants less disposed to come to blows with one another over issues of property. Here one is venturing into the sociological domain mapped out by Max Weber. Weber's concept of 'charisma' as a key binding force, legitimising authority and providing positive incentives to cherish a certain form of leadership and even to believe in it, could help account for Byzantium's apparent appeal to remote communities with no obvious material stake in the empire's survival, as well as for social cohesion in the City. In fact, public rites such as the Hippodrome races commemorating the City's foundation day amount to textbook exercises in charisma-maintenance by those seeking a degree of consensual authority.[36] One might usefully explore how far all the acclamations and junketing at the Hippodrome entered into the consciousness the City's residents, inspiring a certain esprit de corps that they were the true elect. It has been pointed out that one *droungarios tes Biglas*, John Skylitzes, sometimes used the term 'Romans' in a restricted sense, applying it only to the citizens of Constantinople and those European districts closest to it, the 'home counties'.[37] But rather than looking at these aspects of charisma, I want to stay with the theme of non-violent coercion, and to consider one simple yet

For the associations of disorder, theft and murder with pitch darkness in medieval western towns: J. Verdon, *La nuit au Moyen Âge* (Paris, 1994), 21–42.

[35] Thus provision for risk of 'fire and violence from the lord emperor' refers to extraordinary situations, in this case the recent massacre of the Latins in 1182 and Andronikos Komnenos' subsequent style of governing: Dominicus Jobianus' deed of 1183 concerning the *ergasterium* he held in Constantinople from the patriarch of Grado: G.L.F. Tafel and G.M. Thomas, eds, *Urkunden zur älteren Handels- und Staatsgeschichte der Republik Venedig*, I (Vienna, 1856), 177.

[36] Constantine VII Porphyrogenitus, *Le livre des cérémonies*, ed. and tr. A. Vogt, II (Paris, 1939), 143–9; *Commentaire*, II (Paris, 1940), 155–61; G. Dagron, 'L'organisation et le déroulement des courses d'après *Le livre des cérémonies*', *Travaux et Memoires* 13 (2000), 128–9, 132–3. See also Treitinger, *Die oströmische Kaiser- und Reichsidee*, 17–19, 34–40, 227–8 and, for an exegesis of charisma, M. Weber, *Economy and Society: An Outline of Interpretive Sociology*, ed. G. Roth and C. Wittich (Berkeley, Los Angeles and London, 1978), I, 249–52; II, 1121–7, 1133–50.

[37] Skylitzes seems to have regarded the inhabitants of Thrace and Macedonia as constituting a people; he also used 'Romans' more broadly as a term for the empire as a state, and as a term for the armed forces, 'a threefold meaning': J. Bonarek, *Romajowie i obcy w kronice Jana Skylitzesa* (Toruń, 2003), 173. In similar vein, Leo the Deacon, another denizen of the capital, alludes to it as the '*politeia* of the Romans': below, n. 62.

somewhat understated form of it: expulsion from the City, or apprehensions of expulsion or denial of access to the City.

It is almost a cliché to say that the worst thing that could happen to a long-term resident of Constantinople or to an aspiring office holder or scholarly churchman was to be driven out. And exceptions spring to mind, such as holy men expressing moral disapproval of life in the City, or military commanders' reminiscences of their exploits on the borders. Yet, like many clichés, it conveys a truth – and a truth that was convenient for those seeking to exercise authority in Constantinople with minimal recourse to armed coercion. Expulsion, exile, or even posting elsewhere in the line of professional duty, do seem to have been regarded in a negative light by most types of resident or habitué. A well-known instance is the penalties prescribed in the *Book of the Eparch* for a variety of misdemeanours by bankers, craftsmen and shopkeepers: beating and shaving of heads was rounded off with expulsion in the case of seven guilds.[38] Further up the social scale, senior prelates wrote letters bemoaning their 'exile' from the metropolis to sees where they only had rustics for companionship. These were not merely stylised literary laments, judging by the acknowledgement by the authorities that 'it often happens that the metropolitan [of a see] spends a long time here [in Constantinople] on account of essential church business, bodily infirmity or other circumstances which detain men even against their will'.[39] And towards the top of the greasy pole of political patronage are the senior office holders, counsellors or relatives of the emperor whose fall from favour was signalled and perpetuated by formal banishment or assignment out of town – sometimes just a matter of miles beyond the walls.[40]

Examples drawn from high politics together with the formal sanctions for dishonest or independent-minded tradesmen may seem too random to support sweeping generalisations. But the prestige and also the profitability and amenities of residing in the City cut across social boundaries.[41] There were, after all, sound material considerations for basing one's business there: prices of staple goods were

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[38] *Book of the Eparch*, ed. J. Koder, *Das Eparchenbuch Leons des Weisen* (Vienna, 1991), 3.5, 90–1; 6.1, 96–7; 10.1, 110–11; 13.1, 118–19; 15.6, 124–5; 18.5, 130–1; 22.2, 140–1.

[39] The phrasing of this synodal decree of 1072 implies that absences from one's see might often in fact be voluntary: N. Oikonomides, 'Un décret synodal inédit du patriarche Jean VIII Xiphilin', *Revue des Études Byzantines* 18 (1960), 58.58–61; *Les Régestes des Actes du Patriarcat de Constantinople*, ed. V. Grumel, J. Darrouzès et al., 2nd edn, I.2–3 (Paris, 1989), no. 900a. See the assessment of an outstanding self-proclaimed exile and of his precursors by M. Mullett, *Theophylact of Ochrid: Reading the Letters of a Byzantine Archbishop* (Aldershot, 1997), 248–62, 274–7. See also J.M. Hussey, *The Orthodox Church in the Byzantine Empire* (Oxford, 1986), 321; I. Ševčenko, 'Constantinople viewed from the eastern provinces in the Middle Byzantine period', Harvard Ukrainian Studies, 3–4 (1979–80), 738–40.

[40] *ODB*, II, 770 (A. Kazhdan).

[41] Hence Michael Choniates denounces the 'soft citizens of Constantinople' as a whole for their reluctance to set foot outside the City: Michael Choniates, *Epistulae*, ed. F. Kolovou (Berlin and New York, 2001), 69.52–60.

monitored by the authorities, the *Book of the Eparch*'s regulations do seem to have been enforced, and few bread riots against the City authorities are recorded for the Middle Byzantine period. At the same time, there was fairly strong demand for non-staple items, perfumes, spices and other *de luxe* manufactures – and it was sustained not just by well-paid state employees, or foreign merchants, but by the state itself. In the case of silk weaving and purple-dyeing and probably other highly specialised crafts, the state seems to have recruited skilled craftsmen, or simply bought up their products, as and when it needed to supplement what its own workshops produced.[42] So members of guilds could ply their crafts with hopes of state purchase or short-term hiring by the state, if their handiwork was not doing well in the open marketplace. At the same time they could count on the price of necessities being kept down. Such manipulation of the cost of living in the capital and privileging of City dwellers may be said to exemplify 'non-violent coercion' in a Weberian sense. Yet the use of expulsion from the City as a deterrent was not just the product of government controls. To some extent, the *Book of the Eparch* seems to have incorporated the regulations or customs of individual guilds.[43] Thus a fair degree of self-regulation was in play, with the *Book of the Eparch*'s redactor(s) merely standardising the terminology of such penalties as corporal punishment and exile.[44] And these harsh sanctions presumably enjoyed the approval of the other guild members, who looked to the authorities for backup against rule breakers. So even when coercion was applied to individual residents of the City, it probably rested on a consensus among senior craftsmen and traders, and they were, to a degree, self-policing. The loss of rights of residence in the City also had connotations of social disgrace, temporary visible marks such as a shaven head being merely the 'topping'. That the *Book of the Eparch*'s stipulations were not a dead letter is suggested by the conclusion to Liudprand's story of Leo VI's testing of his guards' probity: he ordered those who had taken his bribes 'to be deprived of all their goods and banished from the City'.[45]

If residing in Constantinople was viewed by most of its inhabitants as a privilege and was much sought after, a certain predisposition on their part both towards

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[42] Herrin, 'Byzance', 222, 224; J. Shepard, 'Silks, skills and opportunities in Byzantium: some reflexions', *Byzantine and Modern Greek Studies* 21 (1997), 251–2; A.E. Laiou and C. Morrisson, *The Byzantine Economy* (Cambridge, 2007), 78–9, 56–8, 62, 72; see also G. Maniatis, 'The domain of private guilds in the Byzantine economy, tenth to fifteenth centuries', *Dumbarton Oaks Papers* 55 (2001), 341–6; G. Dagron, 'The urban economy, seventh–twelfth centuries', in *The Economic History of Byzantium: From the Seventh Through the Fifteenth Century*, ed. A.E. Laiou et al. (Washington, DC, 2002), II, 438–44.

[43] *Book of the Eparch*, ed. Koder, 23 (introduction); J. Koder, 'Delikt und Strafe im Eparchenbuch', *Jahrbuch der österreichischen Byzantinistik* 41 (1991), 123–4.

[44] *Book of the Eparch*, ed. Koder, 25 (introduction); Koder, 'Delikt und Strafe', 125–6.

[45] Liudprand, *Antapodosis*, I.11, ed. Chiesa, 14; tr. Wright, 42. The common upshot of penalties in the *Book of the Eparch* is termination of professional work or business in Constantinople: Koder, 'Delikt und Strafe', 123.

'anger management' and towards recognising in the emperor their ultimate material benefactor becomes the more understandable. If they were debarred from bearing arms themselves, they could have reasonable confidence that violence would not be used against them by those in, or seizing, power, and did not take kindly to those who breached this convention.[46] One cannot dilate here on Alexios I Komnenos' relations with the populace, but Anna Komnena's depiction of them as febrile has overtones of the relations between unwarlike citizens and another soldier-emperor, Nikephoros. In any case, Alexios was not allowed to forget the violence done to citizens as well as the damage to property and churches which his soldiers inflicted upon taking over Constantinople for him in 1081.[47] For all the militarisation of court society discernible in the twelfth century, to the extent that jousts were a feature of Manuel I's court, it would seem that weaponry and massed soldiery were still not a familiar sight in Constantinople's streets.[48] Civic peace seems to have been fostered through a sort of 'self-denying ordinance' on the emperor's part, assisted by subtle yet effective preventative measures. The *Book of the Eparch* banned innkeepers from heating up kettles in the evening so as to deprive them of the warm water needed for diluting wine; this, in turn, discouraged customers 'from staying all night and in their drunkenness, indulging in arguments and violence'.[49] Only towards the twelfth century did the drinking of undiluted wine become more socially acceptable, perhaps in rivalry with hard-drinking westerners.[50]

Conversely, the moral authority of the emperor could be declared and even enhanced through exploitation of another aspect of Constantinople's physical structure: if entry through the walls was restricted, and expulsion a punishment in itself, then confinement within them was not difficult for the imperial authorities to enforce. I would suggest that a deliberate attempt was made to represent the

[46] H-G. Beck noted how the senate and people remained, in the middle and late Byzantine period, 'durchaus aktiv und ihrer politischen Rechte bewusst': 'Senat und Volk von Konstantinopel: Probleme der byzantinischen Verfassungsgeschichte', *Bayerische Akademie der Wissenschaften: Philosophisch-Historische Klasse. Sitzungsberichte 1966*, *Heft* 6, 36.

[47] Anna Komnena, *Alexiad*, ed. D.R. Reinsch and A. Kambylis, I (Berlin and New York, 2001), 126.92–5; 310.90–6; John Zonaras, *Epitome Historiarum*, ed. M. Pinder and T. Büttner-Wobst, III, Bonn (1897), 728–30; Garland, 'Political power', 31; E. Malamut, *Alexis Comnène Ier* (Paris, 2007), 60.

[48] L. Jones and H. Maguire, 'A description of the jousts of Manuel I Komnenos', *Byzantine and Modern Greek Studies* 26 (2002), 110–14. The citizens of Constantinople remained as indifferent to matters of war as the citizens of Solon's Athens, according to Niketas Choniates' rhetorical lament, composed in the aftermath of 1204: Niketas Choniates, *Historia*, ed. J-L. van Dieten (Berlin and New York, 1975), 583–4; tr. H.J. Magoulias, *O City of Byzantium: Annals of Niketas Choniates* (Detroit, IL, 1984), 321.

[49] E. Kislinger, 'Being and well-being in Byzantium: the case of beverages', in M. Grünbart et al., eds, *Material Culture and Well-Being in Byzantium (400–1453)* (Vienna, 2007), 151. See *Book of the Eparch*, 19.3, ed. Koder, 132.

[50] Eustathios of Thessalonica, *Opera minora*, ed. Wirth, 176.19–22; Kislinger, 'Being and well-being', 153.

emperor as a practising judge and moral guardian through associating his residence closely with houses of correction – prisons. A large prison adjoined the main entrance to the palace, the Brazen Gate, and several other prisons were located in or near the palace complex, while the largest of all, out in the town, was ultimately in the care of the Eparch, the *Praetorion*.[51] These might be seen as hangovers from the layout devised by the first Christian emperors, if not as routine features of Roman town planning. But their prominence as major going concerns in the ruler's residence was probably unmatched in any other city in Christendom or, indeed, the Islamic world. I suggest that this prominence was quite deliberate. Emperors were, in effect, presenting a tableau in illustration of their exercise of supreme moral authority, in keeping with the preamble of Leo III's *Ecloga*: imperial judges must refrain from any corruption, for fear of bringing down God's wrath on the state, as 'breakers of His commandments'.[52]

So far as I know, no firm distinctions were drawn in the quartering of criminals and what would now be called political prisoners or prisoners of war. The squalor and darkness of these prisons was something of a literary topos among the Byzantines themselves, while the severity of the emperor's prisons features in Old Norse as in Arabic literature. Trying to gauge the accuracy of the descriptions of conditions is fairly pointless, but their profusion suggests that the prisons did their job as a warning of what happened to those who crossed the emperor. One prolific self-styled inmate, Michael Glykas, wrote of the prison of the Noumera as 'worse even than Hades'![53] It was not wholly accidental that these 'hellish' conditions were to be found within the palace complex, whose ceremonials were supposedly attuned to the workings of the universe and offered a preview of the heavenly court. The prison buildings do not seem to have formed the main backdrop to any of the proceedings recorded in the *Book of Ceremonies* or Pseudo-Kodinos, but processions passed them all the time. And some inmates had a part to play in ceremonial, at least up to the mid-tenth century. As is well known, Saracen prisoners of war 'from the great *Praetorion*' were assigned a prominent role at the banquets on Christmas and Easter Day: they were dressed in white robes, the colour of adult catechumens preparing for baptism.[54] Perhaps

[51] P. Koukoules, *Βυζαντινων Βιος και πολιτισμος* III (Athens, 1949), 228–9; *ODB*, III, 1723 (A. Kazhdan). See also Cheikh, *Byzantium viewed by the Arabs*, 145–6; Oikonomides, *Listes de préséance*, 320, 336–7.

[52] Leo III, *Ecloga*, ed. Burgmann, 166.107–9.

[53] Michael Glykas, *Στίχοι ους εγραψε καθ ον κατεσχέθη καιρον*, ed. E. Legrand, *Bibliothèque grecque vulgaire*, I (Paris, 1880), 21.87; Koukoules, *Βυζαντινων Βιος*, III, 235. The historicity of Glykas' stay in prison is now in question, but that his details of conditions there purported to be realistic is scarcely in doubt: E.C. Bourbouhakis, '"Political" personae: the poem from prison of Michael Glykas: Byzantine literature between fact and fiction', *Byzantine and Modern Greek Studies* 31 (2007), 67–70, 75.

[54] Philotheos, *Kletorologion*, ed. and French tr. in Oikonomides, *Listes de préséance*, 169.20–1, 203.25–31; L. Simeonova, 'In the depths of tenth-century Byzantine ceremonial' *Byzantine and Modern Greek Studies* 22 (1998), 83–96, 98, 101–2.

there was an element of ridicule in this choice of clothing for Muslims, but there was also a striking visual message of redemption: the emperor, 'equal to the Apostles', held out the chance of baptism and the forgiveness of sins even to those who had sinned against him most grievously. The displays of prisoners of war showed off the emperor's capacity for equity and Christian clemency, as well as judgement, and with perhaps the implication that harsh punishment could bring about redemption.

Constantinople, then, in so far as it was a picture of peace and civic harmony, attained in the shadow of prisons, served to enhance the emperor's claim to be the supreme judge and Christ's representative on earth, a theme that was lavishly promoted in the ceremonial *inside* the palace complex. And everyday life in the City, being not merely tranquil by the standards of most other urban centres, but maintained without overt reliance on armed force within the walls, gave the entire *polis* the air of a kind of sanctuary, or court. By 'court' I do not exactly mean a legal court, although courts of law were to be found in the vicinity of the Hippodrome and elsewhere around the palace complex as well as at the *Praetorion*.[55] I have in mind more a forum of general arbitration and equitable regulation under imperial tutelage, with additional connotations of rewards for virtue. This state of affairs invested the operations of the Byzantine establishment with an aura of legality, an aura amounting to more than the sum of the law courts or parts of the honours system that revolved around the imperial court. Quite what it amounted to is, admittedly, hard to calculate, and of course court titles were liable to go to members of elites of one sort or another, or simply to be bought.[56] That is, after all, the way with honours systems, then as now.

There is a loose analogy with a much earlier era and with a state which made a positive virtue of its civilian aspects and forbearance from arms-bearing within its political core. Indeed, it based its reputation partly on these characteristics. I am referring to Republican Rome, which declared the distinction between the moral and religious spheres of peace and war by means of the *pomerium*, the sacred boundary of the city of Rome (and of other augurally constituted cities). Byzantium, as the continuation of what had turned into an empire, lacked inhibitions about the wearing of military garb inside the City, and I am not suggesting a conscious borrowing by the Byzantines from Republican Rome. Nonetheless, there is a parallel between the 'self-denying ordinance' that I mentioned earlier and the more ritualised exaltation of the ways of peace enshrined in the *pomerium*. Like the quasi-imperial late Republic, Byzantium could claim overall hegemony through being a citadel of peace and of norms attuned to a higher morality and encapsulated

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[55] See *ODB*, III, 2157–8 (A. Kazhdan); Oikonomides, *Listes de préséance*, 319–20, 322–3; P. Magdalino, 'Justice and finance in the Byzantine state, ninth to twelfth centuries', in A.E. Laiou and D. Simon, eds, *Law and Society in Byzantium, Ninth–Twelfth Centuries* (Washington, DC, 1994), 98–101.

[56] P. Lemerle, '"Roga" et rente d'état aux Xe–XIe siècles', *Revue des Études Byzantines* 25 (1967), 77–100; J-C. Cheynet, 'Dévaluation des dignités et dévaluation monétaire dans la seconde moitié du XIe siècle', *Byzantion* 53 (1983), 453–77; Herrin, *Byzantium*, 156–7, 158.

in law.[57] And herein lay a mark of the more advanced form of life to be found in the capital. Metropolitan Theodore, in the letter cited above, makes an explicit connection between his assailants' arms-bearing and drunkenness and relapse into virtual barbarism (σχεδὸν βαρβαρίζοντας): the stability and personal security maintained without weaponry inside Constantinople's walls offered a lifestyle morally superior to one where recourse to violence and bloodshed was routine.[58]

I would further suggest that an aura of legality, a reputation for determining a *modus operandi* to the advantage of most if not all affected parties, was no mere mirage floating over Constantinople. It was anchored in actual practices at a workaday level, both inside the City itself and in the authorities' dealings with the wider world.[59] This leads us to the general question why the apparently wide gap between imperial pretensions to ordering of the *oikoumene* and the ever-shifting circumstances of the outside world did not strike most people – Byzantines and non-Byzantines alike – as absurd. Besides the image of Constantinople as self-sustaining safe haven, one should consider the substantial material benefits to be reaped by members of many external elites from loose acceptance of the emperor's role as a kind of overseer and umpire. This could involve not just court titles or diplomatic gifts, but commerce and the regulation of commerce. I would suggest that the meticulous care taken by the government to provide for foreign trading partners' interests and general profitability offered an objective correlative to its claims to be promoting equitableness and a kind of universal good.[60]

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[57] G. Woolf, 'Roman Peace', in J. Rich and G. Shipley, eds, *War and Society in the Roman World* (London and New York, 1993), 173–4, 176–8. Constantinople, as 'domain of the *populus romanus*', seems to have been 'purely civil' from its inception, whereas the palace had its guard of the Schools: Dagron, *Naissance*, 113. See also above n. 23. At the same time the ideal of empire as pacifier, assimilating and civilising arrivals of barbarians en masse from its new capital, was proclaimed by Themistius: G. Dagron, 'L'empire romain d'orient au IV siècle et les traditions politiques de l'Hellénisme', *Travaux et Mémoires* 3 (1968), 112–15, 117–18.

[58] Darrouzès, *Épistoliers byzantins*, 270.17–18. Identification of unbridled anger and recourse to violence specifically with barbarism formed part of the Byzantines' – as of classical Greeks' – sense of their own values: H. Ahrweiler, 'Byzantine concepts of the foreigner: the case of the nomads', in H. Ahrweiler and A.E. Laiou, *Studies on the Internal Diaspora of the Byzantine Empire* (Washington, DC, 1998), 12–13; C. Messis, 'La mémoire du "Je" souffrant: construire et écrire la mémoire personnelle dans les récits de captivité', in P. Odorico et al., eds, *L'écriture de la mémoire: La littérarité de l'historiographie* (Paris, 2006), 129–35. These themes – together with ridicule of the barbarian – seem to have grown more pronounced in twelfth-century literary works circulating in court milieus: C. Jouano, 'Les barbares dans le roman byzantin du XIIe siècle', *Byzantion* 62 (1992), 293–300.

[59] The Byzantines' devotion to law and the enduring reputation of their legal system among outsiders are highlighted by Herrin, *Byzantium*, esp. 77–9.

[60] Comparable care was taken over the security and well-being of foreign emissaries – 'une démonstration, pour eux, de la puissance et stabilité de l'État byzantin qui les accueille': N. Drocourt, 'Entre facilités institutionnelles et réalités des déplacements diplomatiques: les

To broach on trade with foreigners in Constantinople and elsewhere is to echo, almost literally, the *topoi* of imperial rhetoric and other works in praise of Constantinople's accessibility,[61] and to reiterate (in slightly different terms) what is stated above about the leverage enjoyed by those in a position to offer access to the City, and to deny it. What was sauce for Byzantine provincials was sauce for complete outsiders, too. Already in the fourth century Themistius called Constantinople the place where 'all the best things come in … from everywhere', and the same line was taken by, for example, Leo the Deacon, when he put similar words into the mouth of Nikephoros Phokas: Constantinople was 'the *politeia* of the Romans, to which good things flow from all directions'.[62] Leo maintains this refrain quite consistently. Thus, he has the defeated Rus prince, Sviatoslav, ask for the Rus to continue to have rights of access to Constantinople's markets, treating them there 'as friends'.[63] Clichés and invented speeches these may be, but they match quite well what excavations from northern and western Black Sea sites are beginning to disclose: finds of glassware, bracelets, amphorae, ceramics and ornaments of Byzantine type – mainly from the ninth century onwards.[64] A comparable picture is starting to form in the western Balkans, too, from maritime enclaves such as Butrint now undergoing scientific investigation. A pattern of regional commerce across the Straits to southern Italy, as well as of contact with the Aegean, is emerging.[65] Further up the Adriatic, members of urban elites in, for example, early medieval Rimini and Comacchio as well as

voyages des ambassadeurs étrangers vers et dans l'Empire byzantin (VIIe–XIIe siècle)', in H. Bresc and D. Menjot, eds, *Les voyageurs au Moyen Âge* (Paris édition électronique, 2008), 16.

[61] See E. Fenster, *Laudes Constantinopolitanae* (Munich, 1968), 28–31, 38–9, 81, 88. For land and sea routes converging at Constantinople, see A. Külzer, *Ostthrakien* (*Tabula Imperii Byzantini* 12) (Vienna, 2008), 192–210, 226–31.

[62] Themistius, *Orationes*, ed. G. Downey and H. Schenkl, I (Leipzig, 1965), 86.18; Leo the Deacon, *History*, 43; tr. Talbot and Sullivan, 93.

[63] Leo the Deacon, *History*, ed. Hase, 156; tr. Talbot and Sullivan, 198–9.

[64] Cherson's potteries, fish-salting and fish-sauce-making works and other commercial activities involving Constantinople and external peoples are surveyed by A. Romančuk, *Studien zur Geschichte und Archäologie des byzantinischen Cherson*, ed. H. Heinen (Leiden–Boston, 2005), 100–10, 118–23, 138–45, 202–10, 235–7; T. Brüggemann, 'From money-trade to barter. Economic transformations in Byzantine Crimea (10th–13th centuries)', in M. Wołoszyn, ed., *Byzantine Coins in Central Europe between the 5th and 10th Century* (Cracow, 2009), 670–5. See also for evidence of Byzantine trade in the Black Sea zone: N. Günsenin, 'Ganos wine and its circulation in the 11th century', in M.M. Mango, ed., *Byzantine Trade, 4th–12th Centuries* (Aldershot, 2009), 152 and fig. 10.2 on 153; I. Dimopoulos, 'Trade of Byzantine red wares, end of the 11th–13th centuries', in ibid., 181–2, fig. 12.1 on 180, 185; N. Ristovska, 'Distribution patterns of middle Byzantine painted glass', in ibid., 199–219; J. Shepard, '"Mists and portals": the Black Sea's north coast', in ibid., 430, 432–5.

[65] See P. Reynolds, 'The medieval amphorae', in R. Hodges et al., eds, *Byzantine Butrint: Excavations and Surveys 1994–99* (Oxford, 2004), 270–2; J. Vroom, 'The medieval and post-medieval finewares and cooking wares from the Triconch palace and the Baptistry', ibid., 290–1; R. Hodges, 'Byzantine Butrint: concluding remarks', ibid., 324. See also P.

Ravenna availed themselves of amphorae of Byzantine, perhaps Constantinopolitan, manufacture,[66] while by the early eleventh century Venetian traders were bringing cheeses from Byzantine provinces to the capital.[67] Substantiating Leo the Deacon's words more immediately, there is archaeological evidence of long-haul merchantmen, some with ample cargo space for amphorae, wrecked off the Marmara islands from the eleventh century on, while timbers and cargoes from the numerous vessels uncovered at Yenikapı in Istanbul point to bustling local trade over the preceding centuries, too.[68]

My point is that 'lucre could come from legality', from exchanges carried out beneath the umbrella of the imperial order with a modicum of regularity. This did not commit the outsiders to active political allegiance towards the empire, or to adopting specifically Romano-Byzantine forms of law. But they stood to gain materially from the stable conditions arising from imperial order, and they were given some prospect of effective redress if they came to grief while trading in Constantinople, or at trading posts nearer their home ground. How far the state actually attained its ambitions to monitor trading with 'barbarians' is a moot point, and its successes tend to be eclipsed by better chronicled cases of foreigners' demands for the lowering of duties. But since the state was apt to pinpoint fiscal opportunities, and since it tried to promote trade with 'barbarians' for diplomatic reasons, this gave quite a broad cross section of external elites or entrepreneurs first-hand experience of imperial regulation at work. I would suggest that the stability this fostered was not necessarily unpalatable to them.

Arthur, 'I Balcani e il Salento nel Medioevo', in F. Lenzi, ed., *L'Archeologia dell'Adriatico dalla Preistoria al Medioevo* (Bologna, 2003), 657, 660.

[66] C. Negrelli, 'Vasellame e contenitori da trasporto tra tarda antichità ed altomedioevo: l'Emilia Romagna e l'area medio-Adriatica', in S. Gelichi and C. Negrelli, eds, *La circolazione delle ceramiche nell'Adriatico tra Tarda Antichità e Altomedioevo* (Mantua, 2007), 297–8 and fig. 1, 319–20, fig. 18:3–5 on 322, 326. See also for the eleventh century onwards, S. Gelichi, *La ceramica nel mondo bizantino tra XI e XV secolo e i sui rapporti con l'Italia* (Florence, 1993), 15–20; Laiou and Morrisson, *Byzantine Economy*, 75, 115–21.

[67] D. Jacoby, 'Venetian commercial expansion in the eastern Mediterranean, 8th–11th centuries', in Mango, ed., *Byzantine Trade*, 377. See also on Venice's trade with Byzantium, Herrin, *Byzantium*, 158–9, 203–6.

[68] For the continuing importance of the ports looking onto the Sea of Marmara, and their wares: N. Günsenin, 'Medieval trade in the Sea of Marmara: the evidence of shipwrecks', in R. Macrides, ed., *Travel in the Byzantine World* (Aldershot, 2002), 128–9, fig. 8.2 on 130, 131–4; Günsenin, 'Ganos wine', 147–50; P. Magdalino, 'The maritime neighborhoods of Constantinople: commercial and residential functions, sixth to twelfth centuries', *Dumbarton Oaks Papers* 54 (2000), 219–22. On the Yenikapı finds, see U. Kocabaş, 'Life at the Theodosian Harbour, wrecks and rapid silting', in U. Kocabaş, ed., *The 'Old Ships' of the 'New Gate'* (Istanbul, 2008), 32–6; I. Özsait Kocabaş and U. Kocabaş, 'Technological and constructional features of Yenikapı shipwrecks: a preliminary evaluation', in ibid., 99, 102 (followed by descriptions of 'trade ships', 103–75).

To advance from this sort of generality to detailed substantiation is impeded by the fragmentariness of our written evidence. One may trace in outline many arrangements for commercial exchanges involving outsiders, both in Constantinople and in outposts of empire or protectorates. But only rarely does one know virtually the full contents of trading agreements, and by their very nature these are the outcome of negotiations between the Byzantine state and more or less established powers. Anyway, the prescriptions of trade treaties are not in themselves evidence of how business was done. So if one tries to infer from these treaties' contents something about the nature of exchanges whose existence is known only in outline, one may be accused of 'comparing apples with oranges'. Nonetheless, if the surviving treaties contain arrangements for dispute settlement that are geared to the particular circumstances in which they were made, and yet which uphold imperial rights of supervision, they offer glimmerings of what other less formal agreements entailed, of arrangements even more tailored to circumstances, yet ultimately coming beneath the imperial aegis. And whether couched in rhetorical terms or not, these regulations for commerce amounted to affirmation of the emperor's role as equitable keeper of the peace, besides providing outsiders with tangible material incentives for maintaining peace. The concept of equitable redistribution in commercial transactions probably applied to external as it did to internal exchanges.[69]

One cannot review here all the known agreements involving trade. There was considerable variation in the durability of such agreements, which – significantly – could form part of broader agreements proclaiming 'peace and friendship'. Some were swiftly instituted and almost as swiftly dissolved, yet others held for decades, as for example the one first negotiated with the Bulgars early in the eighth century.[70] The arrangements between Chersonites and Pechenegs envisaged in Constantine VII's *De administrando* had presumably been in place for some 50 years, since the beginning of the tenth century, and they do not seem to be the product of a formal treaty between the government and the nomads. Constantine writes, rather, of contracts that individual Chersonites make with individual Pechenegs. He specifies that payment for the 'services' rendered by Pechenegs is negotiated in advance, by way of deals which a Chersonite 'may persuade an individual Pecheneg to accept or which he himself may be persuaded to accept. For these Pechenegs are free men'.[71] In other words, haggling was envisaged, and this is likely to have applied to the prices of goods traded, too. The impression given is of something of a free for all, yet the very

69 Laiou and Morrisson, *Byzantine Economy*, 61–2.

70 Theophanes, *Chronographia*, ed. C. de Boor, I (Leipzig, 1883), 497; *The Chronicle of Theophanes Confessor*, tr. C. Mango and R. Scott (Oxford, 1997), 681 and n. 4 on 686. On the evidence of a Byzantine predisposition towards 30-year agreements: I. Dujčev, 'Odna iz osobennostei rannevizantiiskikh mirnykh dogovorov', *Vizantiiskii Vremennik* 15 (1959), 64–70.

71 Constantine VII Porphyrogenitus, *De administrando imperio*, ed. G. Moravcsik, tr. R.J.H. Jenkins, 2nd edn (Washington, DC, 1967), 52–3.

fact that Constantine records them implies governmental interest, and presumably the contracts, whether written or unwritten, were, in the event of dispute, liable to adjudication by the authorities in Cherson or, ultimately, Constantinople. Cherson was a special case, of particular strategic interest,[72] but the sheer raggedness of the Byzantine empire, with outposts scattered along extensive coastlines with alien hinterlands, probably fostered comparable arrangements there too.[73] New situations could spawn commercial exchanges that were subjected to regulation, as after Manuel I Komnenos' expulsion of the Turks from the fertile plains of Dorylaion. According to Eustathios of Thessalonica, the Aegean sea was now 'the rarest of sights' for the Turks, 'except perhaps for those who set out on trading ventures and those who buy the pasturage from those of the [Roman-ruled] plains, placing themselves under a treaty for [the right to graze] their animals' there.[74] These low-level arrangements were made locally and, of course, we have only an orator's word for it. But this is itself a hint of awareness in high places of such dealings, of their desirability from the government's point of view, and also of the authorities' availability in the event of disputes. The Turks who became what Eustathios terms *hypospondoi* for the sake of grazing rights had no sense of political allegiance to the government. Yet they stood to profit from exchanges of goods and services in conditions of stability, with the prospect of effective redress if things went wrong. And in the role of ultimate adjudicator and keeper of the peace, imperial authority provided outsiders with tangible incentives for maintaining a more general peace.

We do not know quite how such local bilateral agreements and contracts were adjudicated, and they need not have been drafted – when they *were* written down – in full conformity to Romano-Byzantine legal norms. What mattered was that the agreements should be vested in legality, and this involved making some allowances for legality as conceived of by the other parties. The extent to which Byzantium accommodated outsiders' presuppositions about solemnising agreements with oaths the barbarians took seriously is reasonably well attested, albeit mainly through complaints from churchmen or denunciations by later hostile chroniclers of 'unholy' sacrifices of sheep, oxen and the cutting of dogs in two.[75] And there are indications that attempts to provide outsiders with familiar concepts and impress

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72 Romančuk, *Studien*, 39–40, 54–66; Shepard, '"Mists and portals"', 429–31.

73 The authorities could also foster commerce further inland, as with the Pechenegs on the Lower Danube in the 1030s: P. Stephenson, *Byzantium's Balkan Frontier: A Political Study of the Northern Balkans, 900–1204* (Cambridge, 2000), 82–8.

74 Eustathios of Thessalonica, *Opera minora*, ed. Wirth, 205.20–3; A.F. Stone, 'Dorylaion revisited…', *Revue des Études Byzantines* 61 (2003), 196.

75 Theophanes Continuatus, *Chronographia*, ed. I. Bekker (Bonn, 1838), 31; Nicholas I Mystikos, *Letters*, ed. and tr. R.J.H. Jenkins and L.G. Westerink (Washington, DC, 1973), 310.21; D.A. Miller, 'Byzantine treaties and treaty making: 500–1025 AD', *Byzantinoslavica* 32 (1971), 74–5; D. Sinor, 'Taking an oath over a dog cut in two', in G. Bethlenfalvy et al., eds, *Altaic Religious Beliefs and Practices, Proceedings of the 33rd Meeting of the Permanent International Altaistic Conference, Budapest June 24–29, 1990* (Budapest, 1992), 301–7.

upon them the underlying validity of a treaty and its contents could go further than manners of oath-taking.

A prime example comes from the contents of the treaties made between the emperors and the Rus in the tenth century. Whether these prescribe mainly Romano-Byzantine procedures or contain elements of Scandinavian (or Slav) law has been much debated. A few clauses (covering what should be done with the cargoes of wrecks) draw on the Rhodian Sea Law, or reflect general Byzantine priorities concerning the well-being and recovery of captives.[76] But the notion of monetary fines for homicide is alien to Romano-Byzantine law, as is the concept behind the slave-owner's right to search the house where a runaway slave is suspected of lodging. A legal historian has concluded that this procedure and other clauses in the 911 treaty concerning theft and robbery 'do not show any relationship to the Byzantine criminal law of the time'. They, together with the duodecimal system for rates of compensation that pervades the treaties, have far more in common with Scandinavian concepts and devices for dispute settlement.[77] Yet they were applied in Constantinople itself. The Byzantines were adapting the northerners' legal principles and procedures to a unique set of circumstances, trying to placate formidable new neighbours with 'sweeteners' to encourage them to bring goods for sale in Constantinople. Viewed in isolation, the treaties' provisions look like purely diplomatic concessions, dictated by dread of Viking-style raids. Yet provisions for securing property and for remedying individuals' losses of goods and other grievances may be found in Byzantium's treaties with other powers, notably the Italian city states in the twelfth century. The Italians' concepts of what was lawful were much closer to the Byzantines', and Byzantino-Italian treaties lack the accommodation of outsiders' views of legality lodged so strikingly in the Russo-Byzantine texts. But they too show concern that justice be seen to be done, and alleged wrongs righted. They provide for matters like the abduction of the cargoes of shipwrecks[78] and try to prevent unresolved grievances

[76] *Povest' vremennykh let*, ed. Adrianova-Peretts and Likhachev, 19, 25; *The Rhodian Sea-Law*, ed. and tr. W. Ashburner, Oxford (1909), 36–7, 116–17; tr. D.G. Letsios, *Nomos Rhodion Nautikos*. *Das Seegesetz der Rhodier* (Rhodes, 1996), 265; J. Malingoudi, 'Das rechtshistorische Hintergrund einiger Verordnungen aus den russisch-byzantinischen Verträgen des 10. Jhds.', *Byzantinoslavica* 59 (1998), 52–64.

[77] M. Stein-Wilkeshuis, 'A Viking-age treaty between Constantinople and northern merchants, with its provisions on theft and robbery', *Scando-Slavica* 37 (1991), 47, 41–2, 43–6; see also M. Stein-Wilkeshuis, 'Scandinavians swearing oaths in tenth-century Russia: Pagans and Christians', *Journal of Medieval History* 28 (2002), 162–7; P.S. Stefanovich, 'Kliatva po russko-vizantiiskim dogovoram X v.', *Drevneishie Gosudarstva Vostochnoi Evropy 2004 g.. Politicheskie instituty Drevnei Rusi* (Moscow, 2006), 183–203.

[78] For the restitution of or compensation for goods removed from a Genoese wreck, see Manuel's 1169 chrysobull for the Genoese: *Nuova serie di documenti sulle relazioni di Genova coll'imperio bizantino*, ed. A. Sanguineti and G. Bertolotto, *Atti della Società Ligure di Storia Patria* 28.2 (1897), 355.

from escalating into mass confrontations and outbreaks of violence, with potential repercussions at the level of state relations.[79]

Undeniably, the Russo-Byzantine treaties are *sui generis*, but I suspect that if more texts of formal treaties with external parties survived in full, they, too, would show willingness to accommodate alien norms in matters of ownership and dispute settlement. Such flexibility is likely to have been even more characteristic of local bilateral agreements and contracts, all on the assumption that, in the event of irreconcilable disputes, the emperor or his agents would have the last word. A readiness to let local populations keep to their own procedures for making wills and contracts was likewise shown in non-Greek-speaking regions that Byzantium reconquered. For example, the inhabitants of Apulia were indulged in this way, with Lombard customs prevailing in the field of civil law.[80] What mattered was that the locals – or, at least, persons of substance – should still look to the imperial government to serve as ultimate guarantor for their possessions and ways. This did not in itself assure their specific political commitment and loyalty. But where matters of commerce were involved, some sort of regulation and 'underwriting' on the part of imperial authority had its uses for parties to the exchanges. And if, as is likely, commercial exchanges brought quite a wide assortment of outsiders into contact with the Byzantines, material self-interest is likely to have weighed in favour of belonging to a sort of 'greater co-prosperity sphere', and thus of accepting the emperor's ultimate role as peacemaker and underwriter.

These considerations were the submerged stabilisers of what looks at first sight to be a haphazard series of arrangements between Byzantium and peripheral peoples. Byzantium could hold out prospects of lucre through observance of forms of legality that had been crafted to suit particular peoples' needs. They complemented the much more explicit stabiliser which the image and the workings of the City of Constantinople represented. The ideology of the emperor as the source of benefits for all mankind, and of Constantinople as the place where all good things converged under his oversight in an ethical as well as an economic dimension had material foundations.[81] These were themselves reinforced by Byzantium's readiness tacitly to adopt some of the outsiders' notions of legality, as and when circumstances required.

[79] That this could happen is shown by the Rus expedition against Byzantium in 1043; it seems to have been triggered by the Byzantines' failure to make amends for Rus slain in a marketplace in Constantinople: J. Shepard, 'Why did the Russians attack Byzantium in 1043?', *Byzantinisch-Neugriechische Jahrbücher* 22 (1978–79), 192–203.

[80] J-M. Martin, *La Pouille du VIe au XIIe siècle* (Rome, 1993), 491–2, 531–2, 709-11, 714.

[81] Texts of treaties such as those of the Rus with Byzantium infiltrate imperial ideology into practical provisions, as for oaths of ratification: Stefanovich, 'Kliatva', 388–90, 399–402.

2

Trial by Ordeal in Byzantium: On Whose Authority?

Ruth Macrides

The subject of trial by ordeal in the Byzantine empire is one that has hardly been touched since the 1980s.[1] On the face of it, trial by ordeal in Byzantium is a practice that entered the empire from the west, either before Byzantium came under the rule of the Latins in 1204 or during Latin sovereignty on Byzantine soil in the years 1204–1261. At the simplest level, the story I am about to tell has to do with the slowness of historians of the Byzantine empire to absorb and react to the studies of western medievalists concerning the practice.[2] But on another level the subject provides a test case for the circumstances in which an instrument or device of proof foreign to Roman law and legal practice might be proposed and implemented. The historiography of its reception, the way in which trial by ordeal was represented by the Byzantines themselves and has been presented by modern

[1] The earliest study was by G. Czebe, 'Studien zum Hochverratsprozesse des Michael Paläologos im Jahre 1252', *Byzantinisch-neugriechische Jahrbücher* 8 (1931), 59–98. A long gap followed until M. Angold, *A Byzantine Government in Exile* (Oxford, 1975), 167–8; D.J. Geanakoplos, 'Ordeal by fire and judicial duel at Byzantine Nicaea (1253): western or eastern legal influence?', in Geanakoplos, *Interaction of the 'Sibling' Byzantine and Western Cultures in the Middle Ages and Italian Renaissance (330–1600)* (New Haven and London, 1976), 146–55; M. Angold, 'The interaction of Latins and Byzantines during the period of the Latin Empire (1204–1261): the case of the ordeal', *Actes du XVe Congrès international d' études byzantines*, IV (Athens, 1980), 1–10; M.Th. Fögen, 'Ein heisses Eisen', *Rechtshistoriches Journal* 2 (1983), 85–96. More recently there has been renewed interest in the topic from S.N. Troianos, 'Das Gottesurteil im Prozessrecht der byzantinischen Kirche', in K.M. Hoffmann and A. Monchizadeh, eds, *Zwischen Polis, Provinz und Peripherie: Beiträge zur byzantinischen Geschichte und Kultur* (Wiesbaden, 2005), 469–90, repr. in S.N. Troianos, *Historia et Ius, II. 1989–2004* (Athens, 2004), 803–27; S.N. Troianos, 'Το δίκαιο στα χρόνια της δ' σταυροφορίας· δυτικές επιδράσεις', in N.G. Moschonas, ed., *Η τέταρτη σταυροφορία και ο Ελληνικός κόσμος* (Athens, 2008), 287–98.

[2] The work by R. Bartlett, *Trial by Fire and Water: The Medieval Judicial Ordeal* (Oxford, 1986) appeared after most of the studies cited in n. 1. Before Bartlett there were the works of H.C. Lea, *Superstition and Force* (Philadelphia, 1892), reissued as *The Ordeal*, ed. E. Peters (Philadelphia, 1973) and H. Nottarp, *Gottesurteilstudien* (Munich, 1956).

historians, has a contribution to make to our view of the authority of Roman law in Byzantium.

First, some background to trial by ordeal in Byzantium. The Byzantine case histories of ordeals are few, yet the amount of scholarly attention that the handful of cases has attracted is great. The examples concern mainly one type of ordeal, that of the hot iron,[3] and are concentrated in the thirteenth century. The cases thus date to a time after the ordeal was outlawed in the west at the Lateran council of 1215.[4] The thirteenth-century date of the first Byzantine cases identifies them with the period of decentralisation of the empire, following the Fourth Crusade and the conquest of Constantinople in 1204. The Latins established an empire on former Byzantine lands, while Byzantine successor states were created in Anatolia and mainland Greece, states that vied for power, competing to recover Constantinople.[5]

In this fragmented thirteenth century, sometimes called the period of 'exile' in modern histories, we have little opportunity to see the functioning of secular courts and Roman law, institutions of the Byzantine empire that had characterised and distinguished it until then. Our knowledge of justice during the fifty-seven years of Latin rule in Constantinople derives rather from the registers of two provincial judges who were churchmen, John Apokaukos, metropolitan of Naupaktos (1199/1200–1232) and Demetrios Chomatenos, archbishop of Bulgaria at Ochrid (1216/17–c.1236).[6] Their sees fell within the domain of the so-called Despotate of Epiros, the successor state in Greece that had an emperor for a short time, from 1225 to 1230.[7] For the other state, the 'Empire of Nicaea' in Asia Minor, there are no surviving judicial records. Instead, accounts of cases of the red-hot iron in the Empire of Nicaea come from historical narratives, from George Akropolites and George Pachymeres. Thus, the meagre knowledge of the practice in the thirteenth century derives from two very different types of written evidence, the court decisions from Epiros and the narrative accounts from Nicaea.

[3] Trial by battle makes one appearance. It will be discussed below, p. 42–3.

[4] J.W. Baldwin, 'The intellectual preparation for the canon of 1215 against ordeals', *Speculum* 36 (1961), 613–36.

[5] See esp. D. Jacoby, 'From Byzantium to Latin Romania: continuity and change', and M. Angold, 'Greeks and Latins after 1204: the perspective of exile', in B. Arbel, B. Hamilton, D. Jacoby, eds, *Latins and Greeks in the Eastern Mediterranean after 1204* (London, 1989), 1–44, 63–86; P. Lock, The Franks in the Aegean 1204–1500 (London and New York, 1995); M. Angold, *A Byzantine Government in Exile* (Oxford, 1975); D.M. Nicol, *The Despotate of Epiros* (Oxford, 1957); A. Stavridou-Zaphraka, *Νίκαια και Ήπειρος τον 13ο αιώνα* (Thessalonike, 1990); E. Giarenis, *Η συγκρότηση και η εδραίωση της Αυτοκρατορίας της Νίκαιας* (Athens, 2008).

[6] *ODB*, I, 135, 426 for Apokaukos and Chomatenos. See the extensive discussion of both bishops by M. Angold, *Church and Society in Byzantium under the Comneni, 1081–1261* (Cambridge, 1995), 213–31, 240–62.

[7] For these dates see R. Macrides, *George Akropolites: The History* (Oxford, 2007), 163, 179.

Apokaukos and Chomatenos provide references to the earliest recorded cases of 'trial by hot iron' in the Byzantine world. Modern commentators on these cases of judicial ordeal express surprise at seeing 'such practices resorted to' where there is a tradition of Roman law.[8] Others describe the situation as one of 'penetration' or 'seeping' of non-Roman ideas into the fabric of the Roman state.[9] The fall of Constantinople to the Latins, it has been suggested, 'weakened and imperilled Byzantine traditions of law and government', leaving the way open to the 'importation' of trial by ordeal. Before 1204, the 'rationalism of Roman law' had held in check any such practices.[10]

In this representation of the ordeal and its manner of introduction to the thirteenth-century Byzantine states-in-exile, one sees Byzantium as a weakened body invaded or infected[11] by a foreign element which was introduced by the Latin conquerors themselves. The ordeal by hot iron takes its place next to other practices which are seemingly new in the thirteenth century and which are consequently attributed to the Latins.[12] To this category belongs also the first unambiguous reference to a material unction in the Byzantine coronation ceremony.[13]

Indeed, the questions surrounding the appearance of the ordeal on Byzantine territory in the thirteenth century are numerous. Was it a Latin import? Was an import possible only in a time of decentralisation and crisis in authority? In what circumstances was it implemented and on whose authority? Did it constitute a weakening and lessening of Roman law procedures in the Byzantine empire?

A description of the procedure is provided by a churchman, George Pachymeres, who wrote a history in the newly recovered Constantinople in the early fourteenth century, a narrative that covers also the years of his childhood and adolescence in the Empire of Nicaea.[14] In a rare authorial intrusion into his text Pachymeres states

[8] D.J. Geanakoplos, 'Ordeal by fire and judicial ordeal', 146.

[9] M. Angold, *Church and society*, 245.

[10] Angold, 'The interaction of Latins and Byzantines', 6.

[11] Fögen, 'Ein heisses Eisen', 85.

[12] See Hendy who characterises this impulse and cautions against it: M. Hendy, *Catalogue of the Byzantine Coins in the Dumbarton Oaks Collection and in the Whittemore Collection: Alexius I to Michael VIII 1081–1261*, IV/1 (Washington, DC, 1999), 174: 'There is, as usual, the temptation to ascribe [these developments] to Latin influence, whether before or after 1204'.

[13] For Jugie and Ostrogorsky unction was introduced after 1204, at Nicaea, in imitation of the Latin emperors of Constantinople: M. Jugie, *Theologia Dogmatica Christianorum Orientalium*, III (Paris, 1930), 151–3; G. Ostrogorsky, 'Zur Kaisersalbung und Schilderhebung im spätbyzantinischen Krönungszeremoniell', *Historia* 4 (1955). 246–56, repr. in G. Ostrogorsky, *Zur byzantinischen Geschichte: Ausgewälte kleine Schriften* (Darmstadt, 1973), 142–52. For another view see D.M. Nicol, 'The unction of emperors in late Byzantine coronation ritual', *BMGS* 2 (1976), 37–52.

[14] On Pachymeres' career, see D. Angelov, *Imperial Ideology and Political Thought in Byzantium, 1204–1330* (Cambridge, 2007), 260–2.

that as an adolescent he saw with his own eyes people undergo the ordeal. This is his account:

> One thing alone could save those who had been accused, that is, if, stooping, they should take an iron into their bold hand, an iron that was still seething from the fire, which they also called a *hagion*,[15] and take three steps while holding it, having purified themselves by fasting and prayer three days before this took place and having had their hand marked by a wrapping and a seal to prevent anyone from applying an unguent that would prevent the fire from making contact and burning.

Pachymeres remarks that he had seen several people undergo the ordeal and, 'the marvel of it', they remained unscathed.[16]

In two respects Pachymeres' description of the ordeal differs from the numerous examples from the west. His account makes no mention of the participation of clergy, whereas western texts and images give evidence of clerical involvement.[17] For example, a thirteenth-century description relates that the priest goes to the place where the iron is being heated and blesses it, sprinkling holy water on it to keep the devil away.[18] In the west, too, the hand was bound and sealed for three days *after* contact with the iron, not before. The hand was then declared to be 'clean' or 'unclean'.[19] As Pachymeres is the only Byzantine source for the procedure itself,[20] it is impossible to ascertain whether these apparent differences with the west were in fact differences. Certainly the participation of a cleric in a Byzantine ordeal is indicated in at least one of the cases.[21] There are, however, no Byzantine descriptions of an examination of the hand or of the criteria used to determine whether the outcome of the ordeal was successful.

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[15] On the *hagion*, see below, n.62.

[16] George Pachymeres, *Relations historiques*, ed. A. Failler, trans. V. Laurent, 5 vols (Paris, 1984–2000), I, 55, 4–10.

[17] A Latin benedictional, Lambach Cml LXXIII shows clerics participating in ordeals: f. 64v, f. 72r. For the images, see P. Dinzelbacher, *Das fremde Mittelalter: Gottesurteil und Tierprozesse* (Essen, 2006), between pp. 160–1.

[18] Dinzelbacher, *Das fremde Mittelalter*, 33–4, 59–65, 67; Bartlett, *Trial by Fire and Water*, 90–1, 98.

[19] Bartlett, *Trial by Fire and Water*, 39, 40–1; J-C. Schmitt, *La raison des gestes dans l'Occident médiéval* (Paris, 1990), 326–7.

[20] In his History (ed. L. Schopen, II (Bonn, 1831), 171.22–173.14), Kantakouzenos describes an 'ordeal' which, unlike the other examples discussed here, was not judicial. It took place in a church where the fire was prepared for the heating of the iron. The husband passed to his wife the burning iron which he took from the fire with tongs. An image from a Latin manuscript (Lambach Cml LXXIII, f. 72r) shows the hot iron being handed over with the help of tongs. Kantakouzenos refers to the three steps taken by the woman while holding the iron. The three steps is also part of the procedure as it is described by Pachymeres and is found in western practice.

[21] See below, pp. 36–7.

The earliest surviving cases in the registers of Apokaukos and Chomatenos indicate that the ordeal by hot iron was suggested or carried out in widely different cases. The one common aspect is the similar characterisation of the ordeal by both bishops: 'It is a foreign custom, a barbarian law, not known to any church'.[22] 'It is suited to barbarians and outside civil and canon law'.[23] 'It is a custom that does not dwell in the state of the Romans'.[24] In this the bishops agree, yet they also express other, more nuanced reactions, and give different judgments about the implementation of the ordeal.

These provincial ecclesiastical courts, it is important to point out, are working alongside secular courts whose existence is documented only through references to them in the bishops' decisions. Thus, in two of the cases the matter has been referred to the bishops, after having been to a secular court.[25] Furthermore, both of the ecclesiastical judges are knowledgeable in Roman law and apply it. Chomatenos exhibits his knowledge in a precise and erudite manner, citing the law verbatim, often from the tenth-century collection of Justinianic law, the *Basilika*.[26] Apokaukos, on the other hand, simply alludes to the law.[27]

A comparison of the bishops, also with regard to their approach to the ordeal by iron as a form of proof, shows another difference. While both men adamantly deny its place in a Roman state, the one allows it application, while the other rejects it. The contrasting judgments can be seen in their handling of cases of adultery.

Chomatenos' court heard a case[28] that was referred to him by the secular court. A jealous husband, Gounaropoulos, brought a case of adultery against the governor of the town, saying that the latter had cast lustful eyes on his wife and had slept with her. The matter was a serious one for, if Gounaropoulos' accusation proved to be true, he would have grounds for divorce. Before the case reached Chomatenos, it went before Manuel Doukas, brother of the ruler of the successor state in which they lived. In the transcript of the case the ruler is called 'the mighty Komnenos', an indication that he was not yet emperor.[29] His court was, nevertheless, the highest secular court of the state. Manuel Doukas looked into the accusation, questioning the husband's witnesses. They admitted, however, that their information was derived from hearsay.[30] They had not caught the couple in the act. Since, then, his witnesses could not provide proof, the husband asked to have contact with the hot

[22] Apokaukos, ed. Fögen, 'Ein heisses Eisen', 95.25–6.

[23] Chomatenos, ed. G. Prinzing, *Demetrii Chomateni Ponemata Diaphora* (Berlin and New York, 2002), 399.47–48;.

[24] Chomatenos, ed. Prinzing, 303.20–1.

[25] Chomatenos, ed, Prinzing, 302.9–11; 398.14–26.

[26] Chomatenos, ed. Prinzing, 303.35–8: *Basilika* 60.1.10.

[27] Ed. Fögen, 95.27–8.

[28] No. 127, ed. Prinzing, 397–9.

[29] For the date of the case, sometime between 1220 and 1225, see Prinzing, *Ponemata Diaphora*, 245. For 'the mighty Komnenos', see Chomatenos, ed. Prinzing, 398.16.

[30] Ed. Prinzing, 398.20: ἀκοῇ μόνῃ εἰδέναι τὴν λεγομένην ταύτην μοιχείαν.

iron in order to prove that his accusation was true. It was at this point that Manuel Doukas referred the case to Chomatenos.

The archbishop gave a decision that was in accordance with the law. Since the local examination of the case by the secular authority had not found proof of the truth of the accusation, Chomatenos considered this sufficient reason for the couple to remain together. The use of the hot iron as an instrument of proof was firmly rejected.[31]

In the adultery case that Apokaukos heard,[32] the husband, Monomachos, a soldier, had been informed by a servant that his wife had been unfaithful to him with another servant. He separated from his wife, refusing to take her back unless she took up the hot iron. Apokaukos' response was to exclaim, 'How could any bishop permit a foreign, barbarian custom?' He remarked further that it was not the law to dismiss one's wife on the basis of uncertain or false statements. The burden of the proof was on the accuser and it was he rather than his wife who ought to hold a burning iron. But, Apokaukos noted, his words fell on deaf ears. Monomachos was a soldier and one ignorant of the law at that. His will was law. Finally, since there was no way the couple could be brought together unless Monomachos had the information he sought, the abbot Nikodemos, an ordained monk, 'undertook the completion of the deed' and 'We agreed', says Apokaukos, 'especially since it was heard that Monomachos' wife was aflame to proceed to the contact with the iron and we considered that in this way a greater evil could be averted'.

Decisive for the bishop was the wife's desire to undergo the ordeal and the possibility of avoiding a greater evil – divorce – by resorting to the use of the ordeal by iron. Should we conclude from this that Apokaukos believed the ordeal would have a good result, that the wife would be shown to be innocent? It is more likely that the bishop's decision was based on the spirit of compromise.[33] Without his agreement to the ordeal a divorce would certainly have taken place. With the ordeal, it might be avoided. The situation had reached an impasse. The husband refused to change his mind. Apokaukos and his synod had in fact travelled to him to adjudicate, taking up temporary residence in the man's town.[34]

In both cases of adultery, ordeal by iron was proposed as a means of learning the truth of an accusation when no other forms of proof were available. Witnesses were non-existent. In the one case the accusing husband proposed the ordeal for himself, to prove the truth of his accusation; in the other, the accusing husband insisted on the ordeal for his wife. It is no surprise that it was Apokaukos, and not his colleague Chomatenos, who allowed the procedure to take place, assigning a

[31] Ed. Prinzing, 399.41–53.

[32] Edited by Fögen, 'Ein heisses Eisen', 94–6; first ed. by A. Papadopoulos-Kerameus, *Βυζαντίς* 1 (1909), 27–8.

[33] So, Troianos, 'Das Gottesurteil im Prozessrecht in der byzantinischen Kirche', 478.

[34] Ed. Fögen, 95.18–20.

cleric to carry it out.[35] In the cases that survive from Apokaukos' court, the reader can detect not only the spirit of compromise, *oikonomia*, but also witty reflection on human nature and its vagaries.[36]

In a third example, Chomatenos' opinion was sought by the bishop of another see.[37] This bishop asked him if a man who was a deacon and notary could be allowed to remain in these positions although he had been found guilty of making false accusations. The deacon had brought a civil case against a layman. To prove himself innocent the layman had taken up the hot iron. He was found to be unharmed by the iron and thus he exonerated himself from the charge. The authorisation to undergo the ordeal had come from a local official, an *archon,* who is not named.[38] Chomatenos replied to the bishop:

> We can neither call the accuser a false accuser, nor can we consider the accused innocent, in accordance with the laws of the Romans, even though the wonder (*θαῦμα*) perhaps (ἴσως) makes the accused innocent.[39]

'For', Chomatenos states, 'the contact with the hot iron which is considered by many to take the place of an oath and to make that which is doubtful clear, is unknown to ecclesiastical but also to civil law'.[40]

Chomatenos gives two reasons for this attitude of the law toward the use of the hot iron: it comes from a barbarian people and it is suspect, 'for many who are guilty have been found not guilty because they perverted the proof that derives from it by some charms and incantations'.[41] In stating his opinion Chomatenos indicates that the three cases presented here are part of a much larger number of cases that have not come down to us.[42] Chomatenos goes on to cite the Justinianic law on

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[35] This case provides the only example from Byzantium which is explicit about the participation of clergy in the ordeal by iron. See above, p. 34 at n.21.

[36] On Apokaukos, see P. Magdalino, 'The literary perception of everyday life in Byzantium. Some considerations and the case of John Apokaukos', *Byzantinoslavica* 47 (1987), 28–38, repr. in Magdalino, *Tradition and Transformation in Medieval Byzantium* (Aldershot, 1991), study X. For the different approaches of the two bishops see Macrides, 'Killing, asylum and the law in Byzantium', *Speculum* 63 (1988), 532–3, repr. in Macrides, *Kinship and Justice in Byzantium, 11th–15th centuries* (Aldershot, 1999), study X.

[37] No. 87, ed. Prinzing, 302–3.

[38] Ed. Prinzing, 302.10–11.

[39] Ed. Prinzing, 303.22–4.

[40] Ed. Prinzing, 303.12–16.

[41] Ed. Prinzing, 303.17–19. For concerns about the interference of magic in the procedure, see S. Larratt Keefer, 'Donne se cirlisca man ordales weddiged: the Anglo-Saxon lay ordeal', in S. Baxter, et al., *Early Medieval Studies in Memory of Patrick Wormald* (Farnham, 2009), 366–7; Bartlett, *Trial by Fire and Water*, 71.

[42] See also below, p. 41, for other cases from 'Nicaea' in the reign of Theodore II (1254–1258).

oaths. Thus, although Chomatenos does not think that the barbarian custom has any efficacy in the case, he concedes that many people do think the ordeal can take the place of an oath.[43] The *archon* who had authorised the ordeal in this case was one of those people.[44]

These examples show that the ordeal by hot iron was being proposed or adopted in similar situations and for similar reasons as in the west. As in the medieval west, so too in Byzantium, the ordeal was a means of finding the truth in the context of a court proceeding.[45] It existed in a judicial framework which recognised many other forms of proof.[46] However, when other forms of proof were lacking, especially in cases of sexual purity, or when there was no certain proof, the ordeal could be proposed and undergone.[47] Furthermore, the criticism of the ordeal and scepticism about its results expressed by Chomatenos were also forthcoming from churchmen in the medieval west, centuries before it was condemned at the Lateran council.[48]

In east and west, political cases also were possible situations in which the ordeal by hot iron might be applied.[49] This brings us to the notorious trial which has been the centrepiece of discussions of the Byzantine ordeal, the case of Michael Palaiologos that came under scrutiny in the mid-thirteenth century, in 1253, about twenty years after the cases that came before Chomatenos and Apokaukos. The ordeal never took place in Michael's case. It was proposed and rejected. Nevertheless, the trial for treason of the future emperor Michael VIII has attracted the greatest attention of all the ordeal cases.[50]

In contrast to the three cases just discussed, this one comes from the other successor state, the so-called 'Empire of Nicaea' in Anatolia. It was from there that the recovery of Constantinople was successfully undertaken in 1261 under Michael Palaiologos. The 'Empire of Nicaea' had a head start in establishing itself as *the* successor to the empire ruled from Constantinople. An emperor and a head of the church had been established early on, in 1205 and 1208.[51] It also had another advantage. As the successor state whose emperor reconquered Constantinople, its version of the 57 years of exile is the only one to have survived. We thus see the

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43 On the oath and ordeal, see below, p. 45 and n. 86.

44 Ed. Prinzing, 302.10–11.

45 Bartlett, *Trial by Fire and Water*, 26.

46 Bartlett, *Trial by Fire and Water*, 26, 27, 29.

47 Bartlett, *Trial by Fire and Water*, 16, 19, 24–5, 33.

48 Bartlett, *Trial by Fire and Water*, 70, 71, 81.

49 Bartlett, *Trial by Fire and Water*, 14–15.

50 The case is central to the discussions of Czebe, Geanakoplos, and Angold.

51 For these dates see Akropolites, *Opera,* ed. A. Heisenberg, I (Leipzig, 1903; repr. with corrections P.Wirth, Stuttgart, 1978) §7, and commentary in Macrides, *George Akropolites: The History*, 120–1, 81–4.

history of that period through the eyes of its historian, George Akropolites, and it is that historian who wrote about the trial of Michael Palaiologos.[52]

The account of the trial by Akropolites has been read and interpreted as a record of the trial proceedings, as if it were the minutes of the case that came before the court. Akropolites was indeed present and his opinion on the case was solicited. Yet a reading of the records of various kinds of cases that came before Chomatenos and Apokaukos and also the fourteenth-century patriarchal synod show that even these accounts, documents issued by the court, are not without the embellishments of their writers. They are not word-for-word transcriptions of the cases but rather summaries that include the considerations of the judges, the language of the judges, or of the person who wrote up the case.[53] We have seen how Apokaukos included wordplay in his account of the jealous husband who had demanded that his wife take up the hot iron to prove her innocence. Apokaukos described the accused as 'aflame' to vindicate herself.[54] Thus, the court case minutes were shaped by their authors and are not direct copies of statements as they came out of the mouths of plaintiffs and defendants.

If this is so, then how much further from an exact transcription of a case will the narrative account of an author be who was writing some time after the case and on behalf of the man on trial? For, when Akropolites wrote his account of the trial, Michael Palaiologos was already emperor, having usurped power from the ruling dynasty, from John III Vatatzes' grandson, John IV.[55]

So we come to Akropolites' account of the trial. Although Michael was on trial for treason,[56] Akropolites never mentions the word. He obfuscates the accusation. Akropolites could not avoid a discussion of the trial but he turns it to Michael's advantage by using it as an opportunity to display Michael's wit, 'nobility of spirit' and popularity. He declares Michael's innocence from the start: 'he had the truth helping him'.[57]

In his narrative of the case Akropolites uses all his writing skills. The section on the trial is unusually long[58] – the longest narrative devoted to one event up

[52] On Akropolites as the historian of 'Nicaea', but more so, of Michael Palaiologos, see Macrides, *George Akropolites. The History*, Introduction, 3–100.

[53] R. Macrides, 'The law outside the lawbooks: law and literature', in L. Burgmann, ed., *Fontes Minores* 11 (2005), 133–45, esp. 137–9.

[54] Ed. Fögen, 'Ein heisses Eisen', 96.43: διάπυρος ἦν.

[55] On the usurpation see D.J. Geanakoplos, *Emperor Michael Paleologus and the West, 1258–1282* (Cambridge, Ma. 1959), 33–46. On Akropolites' date of writing, see Macrides, *George Akropolites: The History*, 29–34.

[56] For different views of what Michael's treachery involved, see G. Prinzing, 'Ein Mann τυραννίδος ἄξιος. Zur Darstellung der rebellischen Vergangenheit Michaels VIII. Palaiologos', in I. Vassis et al., eds, *Lesarten: Festschrift für Athanasios Kambylis zum 70. Geburtstag* (Berlin, 1998), 180–97; cf. Macrides, *George Akropolites. The History*, 72–3.

[57] Akropolites, ed. Heisenberg, §50:96.9–10.

[58] Ed. Heisenberg, §50:92.25–100.14.

to this point. He departs from his usual succinct style. He embellishes. In this section Akropolites makes use of wordplay, metaphors, comparisons with works of classical art and mention of artists. Michael compares himself to statues carved by Phidias and Praxiteles; he is similar to paintings of fearless warriors.[59] These literary features of the account, liberally distributed in the trial scene but rarer elsewhere, should alert us to read the report of the trial as a text, not as a transcription of a court case.

After spending much time and space on the accusations of Michael's treachery that were investigated but came to nothing, Akropolites focuses on Michael himself. In a long, convoluted and awkward sentence with many asides Akropolites states that he heard – or, more to the point, overheard – the conversation between Phokas, the metropolitan of Philadelphia who was the emperor John's right-hand man, and Michael Palaiologos. Akropolites tells us that he was the only person to hear this exchange.[60] The churchman took the defendant aside and said,

> You are a noble man and have been engendered by noble ancestors. You must therefore reflect and do that which is right for the sake of your reputation, your good faith and all your family. Since there is no proof from witnesses in your case, you must produce the truth by means of the red-hot iron.[61]

To this Michael replied,

> I do not know how such a thing is called *hagion,*[62] my lord, but I am a sinful man and cannot work such wonders. If you, however, being a metropolitan and a man of God, advise me to do this, put on all your holy attire, as you do when you enter the holy sanctuary to appeal to God, and then heat up the iron for me with your hands with which you touch the divine sacrifice, the body of Our Lord Jesus Christ sacrificed on behalf of the entire world and which is ever sacrificed by your priests, and with your own holy hands place the iron in my hand, I have faith in the Lord Christ that He will overlook my every sin and work the truth by a miracle.[63]

The metropolitan declined the invitation, stating,

> This is not our Roman practice but neither is it ecclesiastical tradition, nor did it derive from the laws or from the divine and holy canons. The method is barbarian and unknown among us. It is put into practice by imperial order only.[64]

To this Michael responded,

59 Ed. Heisenberg, 96.16–18; 97.14–15.

60 Ed. Heisenberg, 97.7–9.

61 Ed. Heisenberg, 97.9–12.

62 Akropolites plays on the word for a hot iron which also means 'holy'.

63 Ed. Heisenberg, 97.15–98.3.

64 Ed. Heisenberg, 98.4–9.

> If I had been born of barbarians and had grown up with barbarian customs, I might pay my penalty in the barbarian way. But if I am a Roman from Romans, let my trial come to an end in accordance with Roman laws and written traditions.[65]

In this exchange Michael shows himself to be a true Roman who upholds Roman legal traditions, in contrast to the emperor John who tolerated the foreign practice at his court. Although it is the metropolitan who proposed trial by hot iron, Akropolites implies that the emperor tacitly approved. He links emperor and metropolitan when he reveals John III's admiration for Phokas.[66] Furthermore, he puts in Phokas' mouth the assertion, 'The method ... is put into practice by imperial order only'.[67] The trial scene closes with the following statement:

> Since God intended to raise him to the imperial eminence, he tried him with the fire of torture and by the test of the smelting furnace so that when he should ascend the imperial throne he would not easily believe slander and false accusations, nor make decisions quickly because he had acquired the power to do what he wished.[68]

With these references to fire and the furnace Akropolites evokes the ordeal by hot iron which Michael underwent metaphorically, so that he would not easily believe slander, in implicit contrast to the emperor who had brought Michael to trial, John III. Readers of Akropolites' *History* would have made another association also, with John's son, Theodore II, who did make use of the ordeal in his reign. According to Pachymeres, Theodore suspected the sorcery of his subjects against him as the cause of a debilitating illness from which he suffered. The only way they could clear their names was by undergoing the ordeal. None of the other methods known to the judicial system – the oath, witnesses, family background and character – was acceptable to Theodore.[69] Many historians, beginning with Czebe who was the first to write about trial by ordeal in Byzantium, have misunderstood Pachymeres and have attributed the trials he describes from Theodore II's reign to John III.[70] They

65 Ed. Heisenberg, 98.9–14.

66 Ed. Heisenberg, 96.19–97.7. Akropolites links the men explicitly when he states, 'So it was on that occasion also that the emperor used him as an assistant'.

67 Ed. Heisenberg, 98.9.

68 Ed. Heisenberg, 99.20–100.1.

69 Pachymeres, ed. Failler, I, 54.34–55.10, here 55.1–4. Theodore II uses the language of the ordeal by iron in his writings. See his letter to Blemmydes: N. Festa, *Theodori Ducae Lascaris Epistulae CCXVII* (Florence, 1898), no. 38; also, the encomium for his father, John III: τίς εἶδε σε τὰς τῶν δούλων πρὸς τοὺς ὁμοδούλους βασκανίας διαλύοντα οἷα πῦρ διακριτικόντε καὶ καυστικόν… A. Tartaglia, *Theodorus II Ducas Lascaris opuscula rhetorica* (Munich, 2000), 35.254–7. These references and others will be discussed by D. Angelov in his forthcoming book on Theodore II Laskaris.

70 Czebe, 'Studien zum Hochverratsprozesse des Michael Paläologos im Jahre 1252', 65; Geanakoplos, 'Ordeal by fire and judicial duel at Byzantine Nicaea (1253)', 154;

have thus strengthened the impression that John was in favour of, and responsible for, Michael VIII's ordeal.

The proposal of an ordeal and avoidance of it, as presented in Akropolites' version of the trial of Michael Palaiologos, is a tactic or practice well known from the medieval west. Stephen White, who has studied the phenomenon in recorded lawsuits involving monasteries in western France between 1050 and 1110, claims that avoided ordeals outnumber completed ones. He states that experienced participants in lawsuits knew even before anyone proposed the ordeal that this procedure, if proposed, could be aborted.[71]

But, in Michael's case, one can wonder whether trial by hot iron was ever proposed and avoided. It could be that in Akropolites' text the proposal and avoidance are a rhetorical strategy of Akropolites, like all the other statements he puts in Michael's mouth. For we have Akropolites' word for it that the hot iron was proposed to Michael in private. Only Akropolites overheard the discussion.[72] Whatever the case may be, this example shows clearly that ordeals that did not take place could be as significant as those that did. All modern historians who study trial by ordeal discuss Michael VIII's ordeal, even though it never took place.

Another ordeal, however, did take place at an earlier point in Michael's trial, the trial by battle of the two men whose testimony was at the origins of the trial for treason of Michael Palaiologos in 1253. Akropolites presents an account of the conversation of unnamed men, whose contradictory statements were resolved by recourse to the judicial duel. The one accused the other of being informed of Michael's plans when he spoke. The accused man asserted that he had spoken independently: 'It was not with knowledge of Komnenos that I spoke; these statements came from me'. Since there were no witnesses, Akropolites reports, 'a military proof was prepared for them', that is, the trial by battle.

> Both men were armed, entered the arena, engaged each other, and the accused was defeated; he was thrown from the horse, while the accuser took the victory.[73]

Troianos, 'Das Gottesurteil im Prozessrecht der byzantinischen Kirche', 489.

[71] S.D. White, 'Proposing the ordeal and avoiding it: strategy and power in western French litigation, 1050–1110', in T.N. Bisson, ed., *Cultures of Power: Lordship, Status and Process in Twelfth-century Europe* (Philadelphia, 1995), 89–123, esp. 90–107; see also Dinzelbacher, *Das fremde Mittelalter*, 107, 108, 110.

[72] Akropolites, ed. Heisenberg, 97.7–10: καί γε καταμόνας τὸν Κομνηνὸν παραλαβὼν Μιχαήλ, κἀμοῦ τῶν λόγων ἀκροωμένου. Pachymeres, the only other author to mention the trial, does not refer to the suggestion of the trial by iron. Akropolites' version of the trial is preferred by modern historians because he was an eyewitness and, therefore, more knowledgeable, according to them. However, we might consider the possibility that Pachymeres did not report the ordeal because it did not take place.

[73] Ed. Heisenberg, 95.5–9.

The trial of 1253 presents a unique instance of the application of judicial duel by a Byzantine court. The only other reference to the practice is from Anna Komnene, who gives a description of a duel between two Normans accused of treason: 'they were released to fight in accordance with the law of the Celts'.[74] By this statement she implies that the practice was foreign to the Byzantines, either at the time of her writing in the 1140s or when the incident occurred in c.1082. Yet, in reporting Michael's trial, Pachymeres says,

> Since the accusation could not be made plain, it being unproved whether the denouncer told the truth, as he claimed, or was making false accusations, Palaiologos, countering [the accusation], was ready to fight for the truth, according to an old (*archaion*) custom of emperors in unproven charges.[75]

Not only is the judicial duel not identified as 'foreign' by either Akropolites[76] or Pachymeres but it is accepted without comment as a procedure in the accounts of both and is even said to be an 'old custom' that emperors put into practice in certain circumstances.

How long trial by battle and hot iron had been in use in the Byzantine empire cannot be known. The thirteenth-century date of all the surviving cases reinforces the impression of a recent appearance, an impression further strengthened by Michael Palaiologos' promise in 1259, while still despot, that he would abolish certain abuses, including both ordeals, when he became emperor. Along with other measures he would see to it that:

The duel would be cancelled, as would the iron, for, should one of the powerful men in office dare to force someone to undergo the [ordeal of the] iron, the greatest danger would hang over [him].[77]

Yet there is a piece of evidence that creates some doubt as to the thirteenth-century origin of the ordeal in Byzantium. A scholion to Sophocles' Antigone suggests that the ordeal by hot iron may have been known to the Byzantines before

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74 Anna Komnene, *The Alexiad*, 5.5.1: ἀπολύθησαν κατὰ τὸν νόμον τῶν Κελτῶν πρὸς πόλεμον. On trial by battle see Bartlett, *Trial by Fire and Water*, 103–26.

75 Ed. Failler, I, 37.21–39.1.

76 Ed. Heisenberg, 96.9–13. According to Akropolites, as well as Pachymeres, Michael was willing to fight a duel: 'If there were someone accusing me of something I might fight against him and prove him to be lying. But since there is no accuser present, on whose account am I being judged?'

77 Ed. Failler, I, 131.22–4. Failler-Laurent (I, 130), on the one hand, and Fögen and Troianos, on the other (see Troianos, 'Das Gottesurteil', 822 n. 43) construe the sentence differently. Note that Troianos thinks that his (and Fögen's) translation concurs with that of Failler-Laurent. However, Failler-Laurent understand the danger to fall on the men in office who dare to force others to undergo the ordeal, while Troianos-Fögen think that to apply the ordeal created a dangerous situation. I understand the passage as do Failler-Laurent.

the thirteenth century, even if it had not been continuously present. The guards who have been standing guard over the body of Polynices declare themselves willing to pick up the iron in their hands and to go through fire and swear by the gods that they are not responsible for the disappearance of the body. The scholiast comments:

> Those taking an oath, as a pledge of their good faith, take up the iron and pass through fire, for those not guilty of any crime are known and consequently do not suffer.

The scholiast glosses μύδρος as 'burning hot iron' (πεπυρακτωμένος σίδηρος), and then he states, 'This the Romans do to this day, erring in a Hellenic manner in many other ways also'.[78]

To give a precise date to this scholion, to pinpoint the 'this day' of the scholiast, is not possible. The scholion is found in the famous manuscript of Sophoclean plays, the Laurentian, which can be dated confidently to the tenth century.[79] This date is a *terminus ante quem* for the scholion. However, the original core material of Hellenistic date was subjected in each generation to additions and deletions, most of which cannot be dated accurately. Therefore, when the scholiast states 'to this day' we cannot be certain to what period he refers: his day could have been any time from Late Antiquity to the tenth century.[80]

While the scholion contrasts Roman and Hellene, the thirteenth-century sources contrast Roman and barbarian.[81] In both cases Romans decry the practice that the 'other' uses but which, actually, Romans themselves also use. The scholion complicates the until-now clear-cut picture of the ordeal as a late foreign intrusion into Byzantium from the west.[82] While it cannot be stated with any confidence that the ordeal had been in use in the empire all along when we first chance upon it in the thirteenth century, the knowledge of its presence also in an earlier period makes us question the monumentality of Roman law. Byzantium, with its law courts and system of law, had recourse to the ordeal, although 'it should not have'. It behaved contrary to our expectations and in a manner similar to the Latin west where the ordeal is best documented. As we have seen, the kinds of cases in which the ordeal was applied were similar in the East and in the West – treason,

78 τοῦτο μέχρι τῆς σήμερον οἱ ʽΡωμαῖοι ποιοῦσιν Ἑλληνικῶς πλανώμενοι καὶ ἐν ἄλλοις πλείστοις. Ed. P.N. Papageorgius (Leipzig, 1888), 231: scholion to l. 264. See note 83 below.

79 E. Dickey, *Ancient Greek Scholarship* (Oxford, 2007), 34.

80 I am grateful to Nigel Wilson for communicating to me the information on the scholia to the Laurentian.

81 We cannot be certain that the barbarians are the Latins. For Akropolites, 'barbarians' are the Bulgarians and Cumans, but not the Latins. See G. Page, *Being Byzantine* (Cambridge, 2008), 130.

82 Angold, 'The interaction of Latins and Byzantines', 5, discussed the scholion, dating it to 10th–11th century, and saying that it showed that there was a 'popular foundation to use of the ordeal at Byzantium'.

adultery, and also civil cases.[83] Furthermore, although the specific instances of trial by hot iron that survive from Byzantium are few, the sources make reference to a great number more that took place, at least in the thirteenth century.[84] As in the west, secular officials – an *archon* in Epiros and the emperor Theodore II in Nicaea – but also a clergyman call for the application of the ordeal or allow it to take place and it is churchmen who officiate at the ritual but who also make negative pronouncements concerning its application. The Byzantine experience shows broad similarities with the medieval west.[85]

But why should the ordeal appear on Byzantine soil just at the point when the medieval west was replacing it by other methods which were known to Roman law and applied in Byzantine courts – torture, the oath and other existing proofs?[86] In explanation, historians have posited weakness and the loss of Roman law procedures in the decentralised empire after 1204.[87] For how else could Byzantium succumb to such an unroman device? Yet, as Bartlett has observed, 'it is an error to associate the ordeal with weak central authority'.[88] Besides, as we have seen, although the centre was no longer in Constantinople, each of the successor states had its own central authority and functioning law courts.[89] And, as has been shown for the medieval west, the ordeal fitted into a variety of contexts; it was compatible with a

[83] Bartlett, *Trial by Fire and Water,* 16–17, 24–5. The twelfth-century romance by Theodore Prodromos, *Rhodanthe and Dosikles,* Book I, 374–89, makes reference to the test of fire – stepping 'into the midst of flame' – to prove innocence in a murder charge. It is argued by Cupane that this feature is borrowed from the West. See C. Cupane, 'un caso di giudizio di Dio nel romanzo di Teodoro Prodromo (I 373–404)', *Rivista di studi bizantini e neollenici*, n.s. 10–11 (1974), 147–68. Yet, the practice is attested in Sophocles' Antigone and in Heliodoros' Ethiopica, 10.8–9 (see E. Jeffreys, *Four Byzantine Novels* (Liverpool, 2012), p. 31 note 37).

[84] Michael Palaiologos' promise to eliminate trial by battle and iron is one indication. See too the statements of Chomatenos, above, p. 37, and Pachymeres, pp. 33–4.

[85] Bartlett, *Trial by Fire and Water*, 13–33, 72; Dinzelbacher, *Das fremde Mittelalter*, 59–63, 65, 67.

[86] The removal of the ordeal widened the scope of compurgation: Bartlett, *Trial by Fire and Water*, 136–7; J.D. Niles, 'Trial by ordeal in Anglo-Saxon England: What's the problem with barley?' in S. Baxter et al., eds, *Early Medieval Studies in Memory of Patrick Wormald*, 371–3. For the close relationship of the oath and the ordeal also in Byzantium, see above at n. 42. Michael Palaiologos finally cleared his name by taking an oath: Akropolites, ed. Heisenberg, §51: 101.3–6.

[87] Angold, 'The interaction of Latins and Byzantines', 8: 'The system of law courts based on Constantinople was destroyed, along with the bureaucratic structure of government. The Byzantine successor states only evolved rather rudimentary judicial and administrative institutions'.

[88] Bartlett, *Trial by Fire and Water*, 69.

[89] These are more in evidence for Epiros than Nicaea because of the survival of cases from the courts of Apokaukos and Chomatenos.

decentralised situation but also with a central authority.[90] Perhaps the problem is not the ordeal. It is rather our preconceptions of the workings and status of Roman law in the empire.

I would like to suggest that trial by ordeal did not enter the Roman empire when no one was looking. It coexisted with other forms of proof in a judicial framework and was used for those difficult cases where other means of discovering the truth were not available. It was put into practice by Christian Roman emperors and their officials, even if the rhetoric of empire which sought to preserve the authority of Roman law always situated it outside the boundaries of the empire.

[90] Bartlett, *Trial by Fire and Water*, 69:'Rather than there being an innate antagonism between the effective exercise of royal power and the use of ordeals, ordeals could be a means of exercising that power.

3

A Case Study: The Use of the Nominative on Imperial Portraits from Antiquity to Byzantium

Sergey Ivanov

The topic of *Herrscherbild* (the ruler's portrait) has been thoroughly studied by several generations of scholars but nobody, to the best of my knowledge, has approached it from the point of view of labelling. In the present chapter a label is not like those that furnish modern museums, but a product generated by the culture itself. It raises the question of whether artists in Antiquity provided labels on their portraits identifying the person painted or sculpted. It appears that the labelled universe was radically different from the unlabelled one and this question has never been properly studied.[1] Of course, even if all the objects produced in ancient times had been furnished with labels, most of them would not be available now: the point where the label is attached to the object is highly vulnerable – statues fall from their bases, heads break off their busts, busts break off their bases, wooden placards disintegrate, and in the Renaissance or in later periods objects of art were often furnished with new labels imitating Antiquity.[2] Even so, it is possible to piece together some small details of knowledge.

Let us begin with statues.[3] We know of thousands of inscriptions chiselled on their bases. These inscriptions are of a dedicatory, laudatory or moralising nature but almost none of them qualifies as a label in the sense that we imply today. A line such as 'Township X or citizen Y erected this statue to emperor Z', a very common type of inscription, is a reference to the town or citizen, not to the statue; most

[1] Sacral names get much more attention, cf. H. Maguire, 'Eufrasius and Friends. On Names and Their Absence in Byzantine Art', L. James, ed., *Art and Text in Byzantine Culture* (Cambridge, 2007), 139–60.

[2] M. Guarducci, *Epigrafia greca* 3 (Roma, 1974), 423.

[3] For a similar approach to ancient captions see: J. Ma, 'Hellenistic Honorific Statues and Their Inscriptions', in Z. Newby, R. Leander-Newby, eds, *Art and Inscriptions in the Ancient World* (Cambridge, 2006), 201–20. Ma uses the definition 'dictionary entry' for what I call a 'label'. Yet, in the period he is interested in, rulers' statues were never labelled.

often it is, in fact, a reduced version of the appropriate decree.[4] The line 'Master X painted the portrait of Y' is a reference to the master, not to his object. It can easily be found in a painter's biography. Plutarch explains why one should not seek to have a statue of oneself erected: 'People extol the sculptor, not the sculpted'.[5] Any of the epigrams chiselled[6] on the bases of statues, mostly in prose in the Early Empire, later in verse,[7] could be copied onto parchment and published separately from its object without any loss of meaning. Moreover, this was indeed done in the famous *Anthologia Palatina*, which contains dozens of such inscriptions,[8] all of them of an explicatory nature. By this I do not intend to say that when such explications were inscribed on statue bases they could not serve the purpose of identification. In AD 162 Marcus Aurelius wrote to the city council of Ephesus:

> With respect to those statues that are too battered to be identified, perhaps their titles can be recovered from inscriptions on their bases or from records that may exist in the possession of the Council, so that our progenitors may rather receive a renewal of their honour than its extinction through the melting down of their images.[9]

In the case of *damnatio memoriae* the name of a loathsome tyrant was easily singled out even in a most ornate eulogy and mercilessly erased from statue bases. And yet, the main thing about a label identification is that it is inseparable from the identified object – hence its brevity. Attention should be drawn to the object; without it the label is meaningless. We would not be able to collect a new *Anthologia Palatina* that would consist of labels – such a collection could serve only as a museum guide,[10] not as a book for independent reading. 'Justinian' – so what? 'Justinian is sculpted here' – where? What *is* this location?

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[4] C. Roueché, 'Written Display in the Late Antique and Byzantine City', in *Proceedings of the 21st International Congress of Byzantine Studies. London, 21–26 August 2006*. Vol. I. Plenary papers (Aldershot, 2006), 243–4. The present writer offered some congenial thoughts in his research report 'Objects and Spaces of Byzantium Speaking About Themselves' read at Dumbarton Oaks in March, 2006.

[5] *Plutarch's Moralia 10*, ed. H.N. Fowler (Cambridge, MA, 1969), 820B.

[6] The majority of them were not even intended to be actually inscribed, cf. A. Kaldellis, 'Christodoros on the Statues', *Greek, Roman and Byzantine Studies,* 47 (2007), 368.

[7] A. Cameron, *The Greek Anthology* (Oxford, 1993), 94.

[8] Cf. esp., *Anthologia Palatina*, XVI. 62–9; IX. 799–804; .810–12.

[9] *The Correspondence of Marcus Cornelius Fronto with Marcus Aurelius,* trs. C. Haines (Cambridge, Mass. and London, 1988), 290.

[10] On a label as genre cf. M. Beard, J. Henderson, 'Please Don't Touch the Ceiling: The Culture of Appropriation', in S. Pearce, ed., *Museums and Appropriation of Culture* (London, 1994), 23–31.

A label serves as a verbal equivalent of an object only if the name of the honorand appears in the *nominative case*.[11] All other grammatical cases are used to refer the defined word to something else, while the nominative case is self-sufficient and therefore can afford to be brief. One can find all other cases on the bases of emperors' statues, except the nominative. There's abundant literature on the semantic overtones of the dative or accusative,[12] but the nominative is generally ignored. Out of about 1,300 bases from Augustus to Commodus collected by Jakob Højte, only 33 bear inscriptions in the nominative case. These are 'captions for the sculpted reliefs'. As Højte remarks, 'the name of the emperor in the nominative case could be used both in Latin and Greek as a label under a statue that formed part of a large ensemble of statues with a common dedicatory inscription'.[13] By the time this paper was completed the project *The Last Statues of Antiquity* had just been launched and its rich materials could not be taken into account.[14] But the evidence available to me indicates that the situation remained largely the same in Late Antiquity. Constantine the Great, however, came up with an amazing initiative: three plinths[15] supporting statues of him and his sons bear the caption CONSTANTINUS[16] accompanied by *Caesar* (Figure 3.1) in one case and *Augustus* in the others.[17] This laconic designation is so different from the ornate descriptions of earlier times that some scholars even suggested that these were but the opening words of otherwise lost inscriptions.[18] The appearance of the plinths, however, on which the identifications were chiselled, provides no evidence whatsoever to support this theory.[19] Fundamental to this group

[11] 'The nominative allows the subject of the statue to exist in the absolute, as an autonomous actor': J. Ma, Hellenistic Honorific Statues, 207.

[12] S. Price, *Rituals and Power The Roman Imperial Cult in Asia Minor* (Cambridge, 1984), 179; P. Stewart*, Statues in Roman Society: Representation and Response* (Oxford, 2005), 167; J.M. Højte, *Roman Imperial Statue Bases from Augustus to Commodus* (Aarhus, 2005), 20.

[13] J.M. Højte, *Roman Imperial Statue Bases*, 23.

[14] http://www.ocla.ox.ac.uk/statues/

[15] Romans began the practice of superimposing the plinth on the statue base; as a result, the inscriptions on them, normally craftmens' signatures, which were buried in the base in Greece, remained visible: U. Kron, 'Eine Pandion-Statue in Rom', *Jahrbuch der Deutschen Archäologischen Instituts in Rom,* 92 (1977), 148.

[16] J.J. Bernoulli, *Die Bildnisse der römischen Kaiser*. 3 (Stuttgart, 1894), 216–18, 235; H.P. L'Orange, *Studien zur Geschichte des Spätantiken Porträts* (Oslo, 1933), 133–7; *Diokletian bis zu den Konstantin-Söhnen [Das Römische Herrscherbild, III],* ed. H.P. L'Orange (Berlin, 1984), 58–63, Taf.42, 43.

[17] There were four statues, but the fourth, also inscribed 'Constantine', disappeared in the sixteenth century. See Jonathan Bardill, *Constantine, Divine Emperor of the Christian Golden Age* (Cambridge, 2012).

[18] R. Delbrueck*, Spätantike Kaiserporträts von Constantinus Magnus bis zum Ende des Westreiches* (Berlin – Leipzig, 1933), 117, Taf. 30, 33, 46. W. von Sydow, *Zur Kunstgeschichte des spätantiken Porträts im 4. Jahrhundert n. Chr*. (Bonn, 1969) was not accessible to me.

[19] H. von Heintze, 'Statuae quattuor marmoreae pedestres, querum basibus Constantini nomen inscriptum est', *Mitteilungen des deutschen archäologischen Instituts in Rom,* 86 (1979), 423–4.



Figure 3.1 Plinth of the statue of Constantine Caesar. Photograph © Jonathan Bardill

of labels is the use of the nominative case.[20] It is an entirely new type of reference: internal rather than external. No one is held responsible for erecting the statue, not the people, not the Senate, not a grateful subject of the emperor, not a community[21] – the monument simply *is* there, all by itself. The statue thus expunges any network of social references. This indicates a radical shift in rhetorical strategy.[22] It is remarkable that the statue is, as it were, an impostor: for it is not Constantine. But at the same time this makes perfect sense: as Athanasios of Alexandria pointed out at about the same time, 'to anybody who would want to look at the emperor after looking at his image, the portrait would say: The emperor and I are one and the same thing,

[20] On the nominative case as an indication of the private character of a statue cf. P. Stewart, *Statues in Roman Society: Representation and Response* (Oxford, 2002), 85.

[21] On the alienation of the subjects from the emperor in the Late Empire cf. recently: J. Moralee, *'For Salvation's Sake'. Provincial Loyalty, Personal Religion and Epigraphic Production in the Roman and Late Antique Near East* (New York, London, 2004), 116–19.

[22] On possible reasons for such a shift cf.: S.R.F. Price, *Rituals and Power* (Cambridge, 1984), 174–5.

I am in him and he is in me'.[23] In the words of Basil the Great, later repeated by John Damascene, 'the emperor's image is also referred to as the emperor'.[24] Thus, the caption 'Constantine' chiselled underneath the idol is transformed from blasphemy into a legitimate metaphor.

Constantine's innovative manner of naming statues was not taken up by any subsequent emperors.[25] A normal dedication is verbose and oblique. Even Phokas, the last of the emperors honoured with a statue,[26] is named in the dative case.[27] This makes the 'Constantines' an isolated case – maybe the name tags were but a clarification, which was sometimes made in the case of statue groups.[28] On the other hand, the Byzantine chronicler George Kedrenos confirms the existence of such labels: he writes that in his new capital Constantinople, the emperor 'erected on the forum a monolithic pillar made of porphyry stone ... On the top he mounted his statue which was inscribed 'Constantine' (ἀνδριάντα ἐπ' ὀνόματι αὐτοῦ, ἐν ᾧ γέγραπται Κωνσταντῖνος).[29] This question needs to be examined further when more of the relevant data is available.

On the vast majority of statue bases, verbosity in explanatory inscriptions is not their only unusual feature. Even more striking is the complete muteness of many statues. In today's world only garden sculpture may exist in silence. In all likelihood, as long as the illusion of a *polis* community was alive, recognition of statues was part of a common civic discourse. Seen from the ancient perspective, the emperors did not need identifications, much like gods: according to Dio Chrysostom, their images did not have to be captioned.[30] If all the citizens knew to whom statues were dedicated, then there was no need for inscriptions.[31] This is why identification is such a vexed problem for today's scholars.[32] From the fourth

23 Athanasii 'Orationes contra Arianos, 3.51', *Patrologia graeca,* 26, 332.

24 Basilii Magni 'De Spiritu sancto. XVIII.45', *Patrologia graeca,* 32, 149; Ioannis Damasceni 'De imaginibus Orationes tres', *Patrologia graeca*, 94, 1261–2.

25 'Theodosi..' inscribed on the mounted statue in the Forum Theodosii in Constantinople is incomplete; A. Effenberger, 'Reiterstandbilder auf dem Tauros von Konstantinopel', *Millennium,* 5 (2008), 287–8, hypothesises it could be a nominative but there is no way to find out for sure.

26 Cf. C. Mango, 'Antique Statuary and the Byzantine Beholder', *Dumbarton Oaks Papers*, 17 (1963), 71. Older statues could be appropriated by later emperors. Cf. R. Stichel, *Die römische Kaiserstatue am Ausgang der Antike* (Rome, 1982), 21–3.

27 *CIL*, VI, N 1200.

28 R. Delbrueck*, Spätantike Kaiserporträts,* 117.

29 Georgii Cedreni *Ioannis Scylitzae ope.* 1. (Bonn, 1838), 518.

30 *Dionis Prusaensis quem vocant Chrysostomum Oratio 31.91 //Quae exstant omnia*, I, ed. J. de Arnim (Berlin, 1893), 246.

31 Another explanation may be that for the people of those days they were images of power as such, cf. F.A. Bauer, *Stadt, Platz und Denkmal in der Spätantike* (Mainz, 1996), 339–43, 348–50.

32 G. Hafner*, Bildlexikon antiker Personen* (Düsseldorf and Zürich, 2001), 16.

century on, portraits progressively lost individuality,[33] their pediments were high,[34] which made identification more difficult, while at the same time the most common type of an emperor's image was nameless. Such are the famous sculptures of the tetrarchs that used to stand on the Philadelphion at Constantinople, later moved by the Venetians to San Marco, where they are still found today. Such are their siblings, the 'Vatican Tetrarchs'. Both groups are firmly attached to their bases, which are without inscriptions. It is assumed that the base of the 'Barletta colossus' was lost, but it should be borne in mind that a Constantinopolitan text reads:

> About 60 statues brought over from Rome were erected in the Hippodrome. One of them is the image of Augustus. This is what they say, even though it is not inscribed.[35]

It is hard to generalise but we may surmise that the emperors' busts were also unlabelled. We have only three undamaged imperial busts: Gordian III in the Louvre and Philip the Arab in the Hermitage[36] have modern labels, while the third one, probably of Julian, in the Museo Capitolino in Rome, is inscribed '… IANUS IMPERATOR', in an epigraphic style and spelling which unmistakably point to a late-medieval construction.[37] A Roman scroll tablet, which normally attaches a bust to its foot, indeed looks like a natural label plate;[38] it was often used in the Renaissance as well as modern times to inscribe putative identifications, though this was not its original function.[39] The famous Roman statue of Marcus Aurelius was spared by the Christians, because they thought it was a statue of Constantine, which indicates that even as early as ancient times it bore no inscription. Generally

33 A. Grabar, *Christian Iconography: A Study of Its Origins* (Princeton, 1968), 64. The number of rulers' representations was growing at that time and they often played a purely ornamental role: K. Sporn, 'Kaiserlich Selbsdarstellung ohne Resonanz?', *Die Tetrarchie* (Wiesbaden, 2006), 394–5.

34 G. Alföldi, *Römische Statuen in Venetia et Histria* (Heidelberg, 1984), 55.

35 *Scriptores originum Constantinopolitanarum*, I (Leipzig, 1901), 59.

36 M. Wegner, *Gordianus III bis Carinus [Das Römische Herrscherbild, III]* (Berlin, 1979), 40, tab.13. In another Vatican bust of Philip the Arab the foot and inscription tablet are ancient but do not belong to the bust: ibid., 400; S. Wood, 'Subject and Artist; Studies in Roman Portrait of the 3 Century', *American Journal of Archaeology,* 85, 1 (1981), 64. In the Rome bust of Alexander Severus the inscription tablet is restored: M. Wegner, *Gordianus III.*, 41, n. 46.

37 *Diokletian bis zu den Konstantin-Söhnen*, 163; *Standorte. Kontext und Funktion antiker Skulptur. Ausstellungskatalog*, ed. K. Stemmer (Berlin, 1995), 304 Kat. Nr. C 7. The date is probably between 1631 and 1748.

38 Cf. S. Dillon, *Ancient Greek Portrait Sculpture* (Cambridge, 2006), 174. In the majority of cases when the original 'inscription tablet' is preserved, it remains empty; when an inscription appears there, it is the epitaph, cf. S. Wood. *Roman Portrait Sculpture 217–260 A.D. The Transformation of an Artistic Tradition* (Leiden, 1986), 80, fig. 48; 114–15; 106, fig.73.

39 An article on Roman museums points out the 'primitive nature of 'labelling' if one may call it such': D.E. Strong, 'Roman Museums', *Archaeological Theory and Practice* (London, New York, 1973), 260.

speaking, it seems that statues are always intended for a propaganda effect,[40] but how was it achieved? This is a mystery. In dark-age Constantinople these mute statues caused fear among citizens who lost all the points of cultural reference. This feeling is well reflected in the *Parastaseis syntomoi chronikai*.[41]

Now we move from anonymous statues and busts to anonymous reliefs and paintings. It no longer comes as a surprise that the identifications of emperors on the 'Barberini diptych', or the 'portrait of Ariadne', or other early Byzantine ivory images are largely hypothetical. Unlike the names of the emperors, the names of consuls on their diptychs are carefully inscribed. Apparently, names were perceived as attributes of things transient, while the eternal did not need a label.[42] The Berlin portrait of Septimius Severus with his wife and sons is anonymous.[43] So also are the mosaic images of rulers (?) in Aquileia, Piazza Armerina, Centcelles and Hinton St Mary.[44] At this point it should be noted that I have omitted from my analysis the most common labelled portraits of emperors, that is, coins. It is for numismatists to judge whether the name of the emperor in the nominative case embossed next to his profile image on coins should be regarded as the name tag of the image or as a guarantee that the object itself is genuine. After all, legends on coins are not always accompanied by portraits. More pertinent to our topic is another question: is there any *connection between* the development of self-styled and self-sufficient emperors' statues and the appearance on coins at about the same time of the emperor's image facing the viewer? This starts in the early fourth century beginning with Licinius and followed by Constantine.[45] While this process was brilliantly described by Maria Alföldi in her 1999 monograph,[46] even so she did not touch upon the subject of this paper. Is it possible that a ruler's profile authenticated the coins but, full face on, it gained a personality and, echoing Athanasios, quoted above, could say 'I am also the emperor'? Can we say that this frontal stance also has a special meaning? An object turns into a subject, whereas the emperor's subjects, mesmerised by his gaze[47] from the coin, turn into objects?

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40 G. Lahusen, *Untersuchungen zur Ehrenstatue in Rom* (Rome, 1983), 141–2.

41 *Constantinople in the Early Eighth Century. The 'Parastaseis syntomoi chronikai'*, ed. and trs. A. Cameron and J. Herrin (Amsterdam, 1999)

42 On the emperor's image as a symbol cf. R.E. Leader-Newby, *Silver and Society in Late Antiquity: Functions and Meanings of Silver Plate in the Fourth to Seventh Centuries* (Aldershot, 2003), 93–4.

43 K.A. Neugebauer, 'Die Familie des Septimius Severus', *Die Antike*, 12, N3 (1936), Taf.10.

44 J. Engemann, s.v. 'Herrscherbild', *Reallexikon für Antike und Christentum*, Lief.111/112 (Stuttgart, 1986), 1011–16.

45 P. Bruun, *Roman Imperial Coinage*. Vol.7. Constantine and Licinius (London, 1966), 33.

46 M.R.-Alföldi, *Bild und Bildersprache der römischen Kaiser* (Mainz, 1999). 174–212.

47 On the growing importance of the piercing gaze in early fourth century rulers' portraits, cf. R. Smith, 'The Public Image of Licinius I", *Journal of Roman Studies,* 87 (1997), 180–4, 196–9.

If the legend on a coin may be regarded as an authentication of the issuing authority, not as a caption to the ruler's portrait,[48] the same cannot be said with the same degree of certainty about objects related to coins: medallions, *contorniates* and *missoria*, silver plates dispatched by the rulers as solemn gifts. The earliest known example of the latter is a set of dishes bearing the portraits of Licinius and his son, both full face, with inscriptions LICINIUS AUG and LICINIUS CAES respectively. The portraits resemble coins issued by Licinius in 321/2[49] and illustrate how the custom of captioning portraits could emerge. On the famous silver missorium of the year 388 (or 421[50]) from Madrid, which depicts Theodosius I (or possibly Theodosius II), only two elements are gilded: the nimbus around the emperor's head – and the legend with his name in the nominative case. Yet we have many other *missoria* from the same period which remain anonymous.[51]

When a new emperor was enthroned, his portraits were sent around the empire. Fronto wrote to Marcus Aurelius:

> In every money changer's bureau, booths, bookstalls, eaves, porches, windows: anywhere and everywhere your likenesses (*imagines vestrae*), are exposed to view; many of them are poorly made, many are rough, dirty, scrawled and scratched.[52]

In the fourth century Severian of Gabala describes the same custom already enacted as a law: 'Since the emperor cannot appear before everyone, it is necessary to set up a portrait of the emperor at tribunals, in marketplaces, at meetings and in theatres. In fact, a portrait (χαρακτῆρα) must be present in every place in which a magistrate acts so that he might sanction whatever transpires'.[53] All these countless successive portraits[54] were not labelled, as is clear from the *Codex Rossanus* which

[48] In this respect coins could be compared to Roman milestones, which were inscribed with the emperor's name, sometimes in the nominative case: C. Witschel, 'Meilsteine als historische Quelle? Das Beispiel Aquileia', *Chiron,* 32 (2002), 325; T. Bekker-Nielsen, *The Roads of Ancient Cyprus* (Copenhagen, 2004), 99.

[49] *Argentum Romanum: Ein Schatzfund von spätrömischem Prunkgeschirr,* ed. B. Overbeck (Munich, 1973), 19–33, 46.

[50] According to J. Meischner, 'Das Missorium des Theodosius in Madrid', *Jahrbuch des Deutschen archäologischen Instituts*, 111 (1996), 389–432.

[51] F.W. Deichmann, 'Eine alabasterne Largitionsschale aus Nubien', *Tortulae. Studien zu altchristlichen und byzantinischen Monumenten* (Rome, Freiburg, Vienna, 1966), 65–76; L. Matsulevitch, *Serebrianaya chashas iz Kertchi* (Leningrad, 1926).

[52] M. Cornelii Frontonis *Epistulae. schedis tam editis quam ineditis*. IV.12 (Leipzig, 1988), 66–7.

[53] Severiani Gabalae episcopi 'In mundi creationem', *Patrologia Graeca*, 56, 489.

[54] On the technique of their production see: E.H. Swift, 'Imagines in Imperial Portraiture', *Americal Journal of Archeology,* 27 (1923), 298–301.

depicts Pilate sitting beneath rulers' portraits[55] that do not bear any caption, as well as from the illustrations to *Notitia dignitatum*, where all the emperors' images are anonymous, while the personifications of virtues are carefully identified.[56] The same can be said about the *Calendar* of the year 354: there, too, all personifications are captioned, while the emperor remains anonymous.[57]

By contrast, in the sphere of portrait captioning an evolution can be traced. In the early fourth century a mural painting was made in the 'House of Fausta' in Rome, of which little is preserved though some figures are easily discerned with identifying captions underneath: Constantinus, Constans, Constantius etc.[58] – all of them in the nominative. It should be noted that this mural dates to the same period as the labelled statues of Constantine.[59]

Another instance of captioned emperors' portraits was in the church of St John the Evangelist in Ravenna. It no longer exists, but according to three independent observers, one of the sixteenth century and two of the eighteenth century,[60] it contained a votive inscription, '*Galla Placidia Augusta pro se et his omnibus votum*

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[55] Cf. J. Harbor, 'The Real Image: The Imperial Portrait and the Icon', T. Fischer-Hansen *et al.*, eds, *Ancient Portraiture. Image and message* (Copenhagen, 1992), 255.

[56] R. Grigg, 'Portrait-bearing Codicils in the Illustrations of the Notitia Dignitatum', *Journal of Roman Studies* 69 (1979), 114. In relating an episode of the civil war of the year 69 Tacitus writes: 'At the same time the images of Vitellius were torn down (*imagines dereptae*)… But when … the soldiers saw the name of Vespasian written on the colours (*prescriptus Vespasiani nomen*), and the images of Vitellius thrown upon the ground (*proiectas Vitellii effigies*), there was a gloomy silence', P.Cornelii Taciti Historia, III.13//*Opera quae supersunt* II, fasc. 6 (Berlin, 1891), 401. Interpreters of this passage agree that it does not imply that the names were written beneath the portraits of the competing *principes*: the portraits were kept separately, while the names were inscribed on the badges and banners. An ambiguous passage in Titus Livius, *Philippi statuae, imagines omnes nominaque earum tollerentur delerenturque* 31, 44, deserves separate analysis.

[57] 'Chronographus anni CCCLIIII', ed. T. Mommsen, *Chronica minora saec. IV–VII,* I (Berlin, 1892), 40.

[58] V. Santa Maria Scrinari, 'Nuove testimonianze per la "Domus Faustae', *Rendiconti della Pontifica Accademia,* 43 (1972), 218–20, tab. II–III. That this may not necessarily be correct, see: M. Guarducci, 'Nuove testimonianze per la "Domus Faustae"?' *Archeologia classica,* 24 (1972), 386–92; H. Mielsch, "Zur stadtrömischen Malerei des 4. Jh.n.Ch.', *Mitteilungen des deutschen archäologischen Instituts in Rom,* 85, 1 (1978), 176–7. We have an example of a picture captioned NERO in the wall paintings of an early medieval church dedicated to the Virgin in Rome, but it is preserved only in a later sketch: J. Wilpert, W. Schumacher, *Die römischen Mosaiken der kirchlichen Bauten vom IX–XIII Jh.* (Basel, Vienna, 1976), Taf. 47.

[59] There also exists a medallion from Hierapolis with a damaged caption that includes TA and Σ. It is sometimes ascribed to Constantius Chlorus. However it could be the name of the owner, not of the depicted: *Diokletian bis zu den Konstantin-Söhnen*, 110.

[60] P. Novara, 'Edifici tardoantichi e medievali nelle descrizioni dei viaggiatori dei secoli XV–XVIII considerazioni minime intorno all'appendice del volume Storia di Ravenna, IV', *Archeologia Medievale*, XXII (1995), 551–6.



Figure 3.2 Imprint of sapphire cameo with Constantius II killing a boar. Photograph after Adolf Furtwängler, *Die antiken Gemmen: Geschichte der Steinschneidekunst im klassischen Altertum* (Leipzig, 1900), vol. 3, 364–5, fig. 198

solvit', above portraits (most probably *tondi*) dating between 425 and 454, inscribed: 'd. Constantinus', 'd. Theodosius', 'd. Arcadius', 'd. Honorius', Theodosius nep.', d. Valentinianus', 'd. Gratianus', d. Constantinus', 'Gratianus nep.', 'Ioannes nep.'.[61] The following passage from John Chrysostom suggests how captions began to emerge underneath the emperor's portrait:

Images bear inscriptions ... The thing is that portraits are high above, and underneath there are tablets made of Phynicean palm tree (which explain) who the emperor is, whose (son?) he is and which war he won (κάτω ἔχουσι φοινικίδας σανίδας, τίς ὁ βασιλεὺς, καὶ τίνος, καὶ ποῖον πόλεμον κατώρθωσεν)'.[62]

It is likely, though not certain, that this formula implied that the identification should be in the nominative case.

Some imperial gems and cameos bear the names of their owners, not of the honorands.[63] We have one inscribed lazurite depicting Claudius but the portrait shows a young man[64] and has no parallels in the princeps' iconography. The famous

[61] *Inscriptiones latinae selectae,* I, ed. H. Dessau (Berlin, 1954), 181.

[62] John Chrysostom, 'In psalmum 50', *Patrologia Graeca,* 55 (Paris, 1862), 566.

[63] For example, G.M.A. Richter, *Engraved Gems of the Romans*, II (London, 1971), 101, N483; R. Calza, *Iconografia romana imperiale*, III (Roma, 1972), 3382, N267.

[64] Richter, *Engraved Gems*, 108, N 515.

double gem from Dumbarton Oaks depicting Maximianus and Maxentius has a golden plaque inscribed 'DIOCL MAX AUG' but the inscription is much cruder[65] than the craftsmanship of the gem: it was probably added later. Moreover, we cannot be sure of the grammatical case. The same suspicion that the caption could be added by the owner has been extended to the inscription ROMULUS on a sardonyx cameo from the Hermitage.[66] A sapphire from Vienna, inscribed ALARICUS REX GOTHORUM,[67] is the first gem unequivocally captioned by the artist, and it does not belong to the imperial realm.

Evidently, labelling rulers is only one type of labelling in general. During Late Antiquity names began to accompany the images of mythological heroes,[68] horses,[69] poets,[70] dogs,[71] circus predators,[72] philosophers,[73] gladiators, charioteers[74] and athletes.[75] At a later date abstract personifications were also identified.[76] A wonderful sapphire cameo from the Trivulzio collection of Milan (Figure 3.2) demonstrates how the labelling of emperors went hand in hand with the labelling of the universe, lagging a little behind the general trend. It shows a hunting scene in which Constantius II is killing a huge boar. The reclining figure personifying the place where the hunt took place is meticulously identified as Κεσαρια Καππαδοκια; the beast's nickname Ξιφιας is neatly inscribed with the letters of the same size as

[65] J.D. Breckenridge, 'Three Portrait Gems', *Gesta,* 18, N 1 (1979), 7.

[66] R. Delbrueck, *Spätantike Kaiserporträts*, 211–14, Taf.111. There exist also two female cameos of Basiline, mother of Julian, and Helena, probably the mother of Constantine: ibid., 174–5, Taf.75, 3; 75.5.

[67] Ibid., 13.

[68] K.D.D. Dunbabin, *Mosaic of the Greek and Roman World* (Cambridge, 1999), 82–5, 98–9, 148–50, 158, 168–9, 322.

[69] M. Lambertz, 'Zur Ausbreitung des Supernomen der Signum im römischen Reich', *Glotta,* 4 (1913), 107–13*;* G. López Monteagudo, 'Inscripciones sabre caballos en mosaicos romanos de Hispania y del Norte de Africa', in A.Mastino, ed., *L'Africa romana. Atti del IX Convegno di Nuoro* (Sassari, 1992), 989–1011.

[70] J. Lancha, *Mosaïque et culture dans l'Occident romain, I–IV s.* (Rome, 1997), 387; J.P. Small, *The Parallel Worlds of Classical Art and Text* (Cambridge, 2003), 129–32.

[71] J-M. Lassère, *Manuel d'épigraphie romain*. I (Paris, 2005), 216–7.

[72] J.M.C. Toynbee, 'Beasts and Their Names in the Roman Empire', *Papers of the British School at Rome,* 6 (1948), 24–37.

[73] M. Nowicka, *Le portrait dans la peinture antique* (Varsovie, 1993), 76–99.

[74] J. Maria Blazquez, 'Nombres de aurigas, de possessores, de caradores y perros en mosaicos de Hispania y Africa', in Mastino, *L'Africa romana,* 953–88.

[75] G.C. Picard, 'Tradition iconographique et représentation de l'actualité dans la mosaïque', *La mosaïque Greco-romaine*, 4 (Paris, 1994), 48.

[76] *Personification in the Greek World from Antiquity to Byzantium*, ed. E. Stafford and J. Herrin (Aldershot, 2005).

those of the emperor's name, CONSTANTIUS AUG. The only difference is that the boar is inscribed in Greek.[77]

The changing perception of the name tag may be illustrated by the following example. On the famous mosaic of the emperor in San Vitale none of the figures is inscribed, except one, the local archbishop Maximinus, the least significant of all and the only person known to Ravenna citizens. There are only indirect signs to identify Justinian and Theodora. The most important figures still do not need to be specifically named, and remain under the veil of pious silence.[78] One hundred and twenty years later a mosaic was created in the neighbouring church of San Apollinare in Classe in honour of the special privileges granted to Ravenna by emperor Constantine IV. The panel makes an obvious reference to the San Vitale mosaic.[79] The facing images of the emperor and the senior cleric look at the viewer just as in San Vitale, which makes the difference all the more striking: the name of Constantine in San Apollinare in Classe is neatly inscribed. Maybe at the same time the mosaic portrait of the king Theuderic in San Apollinare Nuovo was rebaptised as Justinian.[80] Once again, in contrast to the San Vitale mosaic, this Justinian was accurately labelled.

From this time on, emperors' portraits, whether on mural mosaics and frescoes, in manuscript miniatures, enamels, steatites, coins or ivory reliefs, when inscribed, are invariably inscribed in the nominative case.[81] The subjects of Byzantine icons are also given in the nominative form, for instance Jesus Christ or Mother of God. Whether or not they were influenced[82] by imperial portraits is quite another problem.

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[77] K. Wessel, s.v. 'Kaiserbild', *Reallexikon zur Byzantinische Kunst,* 3 (1978), 806.

[78] By the same token, before Iconoclasm Christ's name on icons was not inscribed, whereas people around him were: K. Boston, 'The Power of Inscriptions and the Trouble with Texts', in Antony Eastmond and Liz James, eds, *Icon and Word. The Power of Images in Byzantium* (Aldershot, 2003), 38–9.

[79] F. Deichmann, *Ravenna. Geschichte und Monumente.* I (Wiesbaden, 1969), 343, Taf. 405.

[80] S. Fuchs, *Kunst der Ostgotenzeit* (Berlin, 1944), 61.

[81] Cf. K. Wessel, 'Kaiserbild', 755, 795 etc. The same applies to the Italian statues which were reborn in the twelfth century, inscribed at their inception: A. Petrucci, *Public Lettering. Script, Power and Culture*. (Chicago, London, 1993), 5. The names of emperors on Byzantine seals are engraved mainly in the nominative, but sometimes also in accusative and vocative cases: J. Cotsonis, 'The Virgin and Justinian on Seals of *Ekklesiekdikoi* of Hagia Sophia', *Dumbarton Oaks Papers,* 56 (2002), 43–4.

[82] For relations between these two kinds of objects see: H.G.Thümmel, 'Kaiserbild und Christusikone', *Byzantinoslavica,* 39, N2 (1978), 196–206.

4

Response

Susan Reynolds

A historian working on medieval western Europe who is confronted by three extremely interesting and quite different papers on Byzantine history is bound to be stimulated to make comparisons. These three papers, with all their differences of subject, approach and sources, show how suggestive and illuminating comparisons can be, even while they illustrate some of the problems of making them.

The first problem is that 'the west' is not a suitable unit for comparison, any more than the whole of medieval Europe is a suitable unit to compare with the rest of the world. The sources vary between different kingdoms and regions as well as, obviously, between different periods within the thousand years that are called the Middle Ages. Just as important, if not more so, are the impediments to comparison provided by different national historiographical traditions, which have a way of fitting the sources, whether similar or not, into different narratives. Although some historians, working primarily on the history of their own countries, may be quite unconscious of it, most of these narratives have been shaped for at least two centuries by a teleological focus on modern nation-states. A third problem concerns the sources themselves. However much those that survive from parts of western Europe differ between themselves, they seem to be different from the sources used by Byzantinists in ways that help to explain the general lack of serious comparisons from which we all suffer, and the danger, when we try to compare, that we compare historiographies rather than histories.

One difference between the sources available to Byzantinists and westerners seems to be in the range of information available and used about the actual practice of government and law. Historians of the medieval west have made much use of records of government, estate administration and law, which survive, patchily and with great gaps, but in increasing bulk from the twelfth century on, with a fair amount in print. Even before then, a good deal has been learned about society, government and the settlement of disputes from the charters and memoranda and other records of their property that were preserved in monasteries.[1] These sources are not easy to interpret but Ruth Macrides shows

[1] Cf. Rosemary Morris, 'Dispute settlement in the Byzantine provinces in the tenth century', in *The Settlement of Disputes in Early Medieval Europe*, ed. W. Davies and P. Fouracre

how useful comparisons with western evidence of ordeals, for instance, can be in her critical and perceptive study of some rare accounts of them, and views of them, in thirteenth-century Epiros and Nicaea. She questions the traditional and rather easy assumption that ordeals were a late import from the west that was foreign to the rationality of Byzantine Roman law. Non-Byzantinists should profit from what she says about Byzantine views and practice and from her cautionary conclusions about negative evidence.

The difference of sources makes comparisons problematical for Jonathan Shepard, thoughtfully though he makes them. A historian of western urban history can only sympathise with his effort to assess the level of law and order in Constantinople with so little information about the government of the city. The inhabitants of Constantinople, like inhabitants of urban settlements in other societies and periods, presumably needed more policing, regulation and local courts than could appear in normative texts and the topos of the unrecognised ruler recounted by Liudprand of Cremona. Without information about other officials under or alongside the eparch, and maybe advisers or counsellors of some kind, it is difficult to know how the government of Constantinople worked (but see the contribution of Johannes Koder in this volume). It may well be that the image of the city as 'a working model of good order' that was promoted in texts and court ceremonial reflected a higher standard of peace and order than in western cities. But may not conflicts between crafts listed in the Book of the Eparch and over the elections of their officers have occasionally occurred as they did in western cities? Most medieval accounts of urban disorder in the west were written by monks who were shocked by what seemed to them the disorder of life outside their monasteries. Perhaps too, like newspapers today, they reported what was shocking rather than what was normal. When some (but not all) western towns began to secure varying measures of autonomy their governments were pretty unrevolutionary, with richer citizens ruling and most complaints against the rulers about corruption and injustice, rather than structures of government. In the nineteenth century historians began to focus on the disputes and riots recorded in surviving legal and administrative records as signs of progress towards popular government. The most famous urban troubles happened, however, in a few rather exceptional towns. Most may have jogged along without many fierce and open conflicts. It is testimony to the thought-provoking character of Shepard's paper that it allows the reader to wonder whether suggestions that some of the apparent contrast with the peacefulness of Constantinople may come not only from the relative scarcity of evidence about crimes and conflicts (except over imperial successions) but from the contrast of historiographies. Byzantinists tend to stress authority while urban historians of the medieval west stress, and maybe exaggerate, conflict.

Sergey Ivanov opens up a splendid new source for historians and art historians of both east and west. His suggestions about possible reasons for different kinds

(Cambridge, 1986), 125–47.

of labels and inscriptions on statues and reliefs raise a mass of questions which then extend to inscriptions on coins, medals, cameos, icons, windows, and indeed anything else with a label. The very questions, starting from the motives of those who commissioned statues and reliefs, quite apart from any possible answers, invite reflections on society and politics by historians of Byzantium as much as by historians of western Europe. It is a wonderful subject for comparisons.

Part II

Authority in the Marketplace

5

Displaying the Emperor's Authority and Kharaktèr on the Marketplace[1*]

Cécile Morrisson

The cities' marketplaces and streets were, we all know, together with circuses, some of the preferred locations in the Byzantine period for statues and/or inscriptions celebrating the emperor or spreading his decisions, and many studies (by Charlotte Roueché in her report to the London Congress[2] or her studies on Aphrodisias, or Denis Feissel for Ephesos,[3] to name the most recent and closer to us) have dealt with the subject. The present paper focuses on another way of displaying the emperor in the marketplace: the all-pervasive coinage. The emperor's *kharaktèr* or *signum*, his engraved mark, the imprint of the official approved die, was repeated on millions of coins which passed from hand to hand at all levels of society.[4] It embodied his authority as powerfully and enjoyed an even greater diffusion, one which lasted over the centuries, in periods where statues or inscriptions had long

1 For their suggestions and advice as well as for help with citations, I am grateful to Judith Herrin, Janet Nelson, Jean-Claude Cheynet and Serguei Ivanov.

2 Charlotte Roueché, 'Written display in the Late Antique and Byzantine city', in E. Jeffreys, ed., *Proceedings of the 21st International Congress of Byzantine Studies, London 21–26 August, 2006* (Aldershot, 2006), 1 (Plenary papers), 235–53.

3 D. Feissel, 'Épigraphie administrative et topographie urbaine: l'emplacement des des actes inscrits dans l'Éphèse protobyzantine (IVe–VIe s.)', in R. Pillinger, O. Kresten et al., eds, *Efeso paleocristiana e byzantina – Frühchristliches und Byzantinisches Ephesos* (Vienna, 1999), 121–32.

4 Without going into the technical debate on the various methods of estimates, let us recall that in the Roman Empire 'second-century gold-output seems to be of the order of 1.1 to 1.4 million aurei per year' (R. Duncan-Jones, *Money and government in the Roman Empire* [Cambridge, 1994]). In the Byzantine period the order of magnitude for annual gold issues may have ranged between 1,430,000 solidi in the early reign of Heraclius and some 400,000 under Constantine VII (see C. Morrisson, 'Byzantine Money: its Production and Circulation', in A.E. Laiou, ed., *The Economic History of Byzantium*, 937, corrected for Constantine VII from the new data in F. Füeg, *Corpus of the Nomismata from Anastasius II to John I in Constantinople 713–716. Structure of the Issues, Corpus of Coin Finds, Contribution to the Iconographic and Monetary History* [Lancaster PA, 2007]). Estimates for silver or bronze issues are not available; they must have been in the same order of magnitude if not higher.

become quite rare. In the formula of appointment composed by Cassiodorus the ruler addresses the Comes Sacrarum Largitionum as follows: 'imprint the shape of our face on metals in use and issue coin to inform future ages … so that the image of the emperors, whose counsels never cease to have regard for the safety of all, may be seen to nourish their subjects through the medium of commerce'.[5]

Status and Function of Coins in the Byzantine World

According to Aristotle, the addition of a type to a coin is a means and sign of its value: ὁ γὰρ χαρακτὴρ ἐτέθη τοῦ ποσοῦ σημεῖον.[6] It does not mean that it tells how many units it is worth, such indications being rare on ancient and medieval coins, but it assures that whatever its quantitative value, this is guaranteed by the ruler. This ancient rule was still valid and invoked in Byzantine legislation. In his Novel 52, Leo VI declared:

> as … We follow the foresight of the Ancients, We decree … that every kind of nomisma possessing an unaltered shape, unadulterated material and good weight, whether it be of an earlier [emperor] or of a more recent one, is to be both equally valued and current (τῇ δὲ προνοίᾳ τῶν ἀρχαίων ἑπόμενοι θεσπίζομεν, ... πᾶν εἶδος νομίσματος, ἀπαραποίητον τὴν μορφὴν ἔχον καὶ τὴν ὕλην ἀκίβδηλον καὶ τὴν ὁλκὴν τέλειον, ἄν τέ τινος ᾖ τῶν προγενεστέρων, ἄν τε τῶν ὀψιγὸνων, δι᾽ ἴσου καὶ τιμᾶσθαι καὶ πολιτεύεσθαι).[7]

Similarly the Book of the Eparch demanded that the *trapezites* acccept at its value of 24 obols any miliaresion το ἀκίβδηλον τὸν βασιλικὸν ἔχον χαρακτῆρα καὶ μὴ

[5] Variae 6.7, *MGH AA,* XII, 180–1: Verum hanc liberalitatem nostram alio decoras obsequio, ut figura vultus nostri metallis usualibus inprimatur, monetamque facis de nostris temporibus futura saecula commonere …ut et imago principum subiectos videretur pascere per commercium, quorum consilia invigilare non desinunt pro salute cunctorum. I amended the translation offered by M. Hendy in *The Economy, Fiscal Administration and Coinage of Byzantium* (Northampton, 1989), art. VI, 1–2, relying on an (unpublished) one which I owe to the kindness of Jean-Pierre Callu: 'Tu imprimes sur les métaux d'usage les traits de notre effigie et tu appelles la monnaie à rappeler notre règne aux siècles futurs … l'image des princes dont la sagesse ne cesse de veiller pour tous, paraît, elle aussi, nourrir leurs sujets par le commerce'.

[6] *Politics*, I, 1257a (Aristotle, XXI, Loeb edn, tr. H. Rackham [n Cambridge, Mass., 1972] 42–3)

[7] *Les novelles de Léon VI le Sage*, eds P. Noailles-A. Dain (Paris, 1944), 201. The three elements defining the currency of the coin feature already in the ancient Roman tradition as reported by Isidorus of Sevilla (*Etymologica,* XVII, 18, Patrologia Latina 82, 591): In nomismate tria quaeruntur: metallum, figura et pondus. *Hendy, Studies*, 303 understands *τῶν ἀρχαίων* as the 'earlier emperors' as opposed to the recent ones who made *ἀπολίτευτον* the coins of their predecessors and made current their own exclusively. I think here Leo refers to the Ancients and the classic tradition which he mentions in the first sentence of the Novel: 'the Ancients did well in holding want (ἔνδεια) to be a disease'.

παρακεκομμένον.[8] Clearly the *morphe* (which Dain translates 'frappe authentique') is the equivalent of the *kharaktèr*. The imprint of the emperor's figure is the guarantee of the coin.[9] Imperial authority endows the coin in turn with financial authority and purchasing power.

The coin is also a representation of the emperor himself.[10] Though it was not the object of a state and organised cult like the *laurata* and other portraits[11] – the Golden calf worship has its limits – it commanded respect. The Roman tradition protected its authority in full, as recalls the story related by Suetonius about Tiberius' rigorous enforcement of the law on lese-majesty:

> this kind of accusation gradually went so far that even such acts as these were regarded as capital crimes: to beat a slave near a statue of Augustus, or to change one's clothes there; to carry a ring or coin stamped with his image into a privy [latrines] or a brothel.[12]

This law still existed (probably with less harsh punishment) in the eighth century. The *Vita* of St Stephen the Younger gives detailed evidence to the point when the author reports on the debate of the saint with Constantine V:

> [in order to show that the iconoclasts are treading over Christ when they tread over icons], the saint … after putting his hand in his cuculla and extracting the nomisma (which bore the image and inscription of the reigning emperors) … asked 'If I throw it on the ground and tread upon it wilfully, will I be punished?' 'Indeed', answered the people present, 'since the coin bears the image and the name of the undefeated emperors (*χαρακτηρῆρα καὶ κλῆσιν τῶν ἀηττήτων φέρει βασιλέων*)'.[13]

The derivation and relation between the adoration of imperial image and that of icons being another matter,[14] let us go back to the display of authority on coins, the production of their designs and their reception.

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[8] *Das Eparchenbuch Leons des Weisen* (*The Book of the Eparch)*, ed. J. Koder (Vienna, 1991) (hereafter *Eparchenbuch*), III, 3, p. 90.

[9] This was indeed so imbedded in Roman and Byzantine mentalities that St. Augustine used it as a metaphor for the authenticity that baptism gives to the faithful as an *imago Dei* (see the analysis with refs. given by P. Radici Colace, 'Il Dio monetiere', in L. Travaini, ed., *Conii e scene di conazioni* (Rome, 2007), 11–25.

[10] See H. Belting, *Image et culte* (Paris, 1998), ch. 6, 137–53; H. Kruse, *Studien zur offiziellen Geltung des Kaiserbildes im römischen Reiche* (Studien zur Geschichte und Kultur des Altertums, I9, 3), (Paderborn, 1934). The latter however does not take the emperor image on coins into consideration.

[11] For the veneration of imperial images, see Kruse, *Studien*, 34–46.

[12] Suetonius, *Lives of the Twelve Caesars*, Tiberius, ch. 58 Loeb transl., 1913, 373, 375.

[13] *La vie de Saint Étienne le Jeune*, M-F. Auzépy, ed. (Birmingham, 1997), § 55, p. 156 (text), 253–5 (translation).

[14] S Symeon the Younger PG 86, col 3215–7 cited by A. Cutler, J. Nesbitt, *L'arte bizantina e il suo pubblico* (Turin, 1986), 83.

It is true that the imperial imagery has been ever since the earliest studies in the Renaissance or the classical age submitted to endless comments by antiquarians, numismatists and historians alike. Our Romanist colleagues have turned their attention to the programmatic content of coinage and much debated its impact on 'the formation of public opinion', in other words the influence of this display of authority and its various forms. To go on quoting the apt wording of Michael Crawford in the Grierson Festschrift (1983): 'at one extreme there is the view that the emperor himself paid particular attention to the choice of types for his coinage … and that these types had a major impact on the population … at the other extreme the view that only a minor department of government was involved and that the pictorial types of the imperial coinage were little noticed and often misunderstood'.[15] Michael Hendy, adhered to this latter perspective: 'It [the production of coinage] was not primarily geared to meet the demands of the general public, still less to propagandize it'.[16] On the other hand, Anthony Cutler and John Nesbitt consider, for instance, the eighth-century coinage as 'the most eloquent evidence of the meaning of the message that the Isaurian dynasty wanted to convey'.[17]

For the Byzantine period, however, though coin iconography has been extensively studied and Grierson's or Hendy's chapters in *DOC* remain fundamental reading, the process of its design and its possible impact have been rarely dealt with. Considering the limited number of textual sources on the subject, one can attempt, starting from the coins themselves, to examine the function and concept of the imperial *kharaktèr* in the dual perspective of the context of its production and of its reception and understanding by the public.

Design and Production of the Emperor's Image

There are no Byzantine texts that explicitly describe the part taken by the emperor in the choice of the design. We have little direct evidence such as for Charles of Anjou, who is known to have corresponded with his mint master about the design for his *saluto d'oro* (*carlino*), insisting that 'the figures of the Virgin and Archangel

[15] M. Crawford, 'Roman imperial coin types and the formation of public opinion', in C.N.L. Brooke et al., eds, *Studies in Numismatic Method Presented to Philip Grierson* (Cambridge, 1983), 47–64, at p. 63. A.H.M. Jones, 'Numismatics and history', in *Essays in Roman Coinage pres. to H. Mattingly,* R.A.C. Carson, H. Sutherland, eds (London, 1956), 13–33 expressed great scepticism: 'Numismatists have studied these intensely and an historian may perhaps be permitted to say that in his opinion they have sometimes attached an exaggerated importance to them [coin types]'. See now the updated state of the art by J. Cribb, 'The President's Address, Money as Metaphor 4', *Numismatic Chronicle* 169 (2009), 461–529, at pp. 500–3.

[16] M.F. Hendy, *The Economy … and Coinage*, art. IV ('Mint and fiscal administration under Diocletian'), 81.

[17] Cutler, Nesbitt, *L'arte bizantina*, 72–3.

on the one face and that of the shield on the other should both be in an upright position when the coin is rotated in the hand'.[18] The wording of the Edict of Pîtres (864), 'Ut in denariis novæ nostræ monetæ ex una parte nomen nostrum habeatur in gyro et in medio nostri nominis monogramma, ex altera vero parte nomen civitatis; et in medio crux habeatur', has been understood by Philip Grierson and Simon Coupland as a clear implication of Charles the Bald's personal interest in the design of his GRATIA DEI REX reformed coinage.[19]

The famous paragraph in Eusebius, *Vita Constantini* IV, 15 and 16,[20] has it that:

> The great strength of the divinely inspired faith fixed in his [Constantine's] soul might be deduced by considering also the fact that he had his own portrait (εἰκόνα) so depicted on the gold coinage that he appeared to look upward in the manner of one reaching out to God in prayer. Impressions (ἐκτυπώματα) of this type were circulated throughout the entire Roman world. In the imperial quarters of various cities, in the images erected above the entrances, he was portrayed standing up, looking up to heaven, his hands extended in a posture of prayer. Such was the way he would have himself depicted praying in works of graphic art. But by law he forbade images of himself to be set up in idol-shrines, so that he might not be contaminated by the error of forbidden things even in replica.

This may be an ex post reflexion of Eusebius on existing coins and is no direct proof of Constantine's own intervention. That he 'directed his likeness to be stamped on the gold coin' makes us suspicious, because stamping the *kharaktèr* of the emperor in the guise of a portrait on the coin had been the rule since Augustus and was no novelty. Indeed, the massive neck of Constantine, very conspicuous on his coinage, is referred to by Kedrenos.[21] However, the upraised eyes are such an innovation and a break from the style of the portraits of the Tetrarchs and of Constantine himself on earlier coins that an imperial influence on this decision cannot be ruled out (Figure 5.1). The interest of the imperial entourage in the design of coins can be assumed from

[18] Cited from C. Minieri Riccio, *Saggio di codice diplomatico formato sulle antiche scritture dell'Archivio di Stato di Napoli*, I (Naples, 1878), 165–6, no. 173, by P. Grierson and Lucia Travaini, *Medieval European Coinage* (Cambridge, 1998), 198.

[19] I am grateful to Janet Nelson for highlighting this point in the discussion which took place in London. Edict of Pitres c.11, in A. Boretius ed, *MGH Capitularia regum Francorum II* (Hannover, 1893), p. 315. See P. Grierson, 'The "Gratia Dei Rex" Coinage of Charles the Bald', in M.T. Gibson, J. Nelson, eds, *Charles the Bald: Court and Kingdom* (Oxford, 1981), 39–51; S. Coupland, *Carolingian Coinage*, Variorum (Aldershot, 2007), esp. art. XI.

[20] Eusebius, *Life of Constantine, Introduction, Translation and Commentary* by Averil Cameron and S.G. Hall (Oxford, 1999) 158–9 (transl.), 315–6 (comm.).

[21] Georgius Cedrenus Ioannis Scylitzae opera, ed. I. Bekker (Bonn, 1838), I, 472–3. See Dagron, *Décrire et peindre* (Paris, 2007), 136 for the combination of realistic individual elements and physiognomical or astrological models in imperial portraits.



Figure 5.1 Constantine I with upraised eyes. Solidus. Nicomedia (335 AD). Dumbarton Oaks ('Coin slides 2' BZC 1957 4.22) Bellinger et al., *DOP* 18 (1954) no. 59 21 mmø © Dumbarton Oaks, Byzantine Collection, Washington DC



Figure 5.2 Justinian I Constantinople Follis year XII (Bellinger, *DOC* 1, no. 37a.2, (BZC 1948.17,1410) 40 mmø © Dumbarton Oaks, Byzantine Collection, Washington DC



Figure 5.3 Justinian I Carthage follis dated by regnal year and indication. MIBE N 185 31 mmø



Figure 5.4 Justin II and Sophia, Constantinople Follis year 6. Bellinger, *DOC* no. 32e1, Bertelè (BZC 1956.23.525) 29 mmø © Dumbarton Oaks, Byzantine Collection, Washington DC

the anonymous *De rebus bellicis* where the author proposes a design of types and dimensions for gold and copper coins in order to ensure the quality of future strikes.[22]

Some indirect textual evidence or the coins themselves show that the ruler or his immediate entourage played a role in chosing their design and in a few cases, that there was a 'teaching intention', if not a message, as a few select examples indicate.

Justinian I dating of bronze coins started from 537[23] clearly applied the prescription of Novella XLVII (29 August 537) that all documents should be dated citing the regnal year, the name of the consul, the number of the indiction and the day of the month (Figure 5.2).[24] Even the large new *folles* could not accommodate all of these, but chose in most cases the regnal year and rarely the indiction (Figure 5.3).[25]

The prominent reappearance of the empress figure on all bronze coins (and a few silver African ones) under Justin II can be attributed, without too much wishful thinking and twisting of the evidence, to the powerful personality of Sophia (Figure 5.4). As Denis Feissel points out: 'que l'impératrice ait joui, dès le début du règne de Justin II, d'un rôle officiel sans précédent, est un fait qui ressort de documents de toutes sortes: monnayage, formules de serment, sans oublier certaines dédicaces épigraphiques'.[26] Although she did not feature in dating formula, nor on the more prestigious gold and silver coins, her ubiquitous presence on the largest bronze denominations must have impressed the public.[27]

Tiberius II replaced the pagan victory adorning all gold denominations, which had already been Christianised into an angel under Justin I on the solidus, by a cross (Figure 5.5). According to John of Ephesus (III.14), this conspicuous innovation had

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[22] Anonymous, *De rebus bellicis*, 3.4, ed. A. Giardina, *Le cose della guerra* (Milan, 1989), 14 (ut qualitas futurae discussionis appareat, formas et magnitudinem tam aereae quam aureae figurationis pictura praenuntiante subieci).

[23] Dated coins are known in Constantinople and other provincial mints from regnal year 12 (538/9).

[24] This was overlooked by numismatists until O. Ulrich-Bansa drew attention to it (O. Ulrich-Bansa, 'Note su alcune rare monete di rame dell'imperatore Giustino II', *Numismatica* 2 [1936], 76). For a full comment of the novella and its consequences on inscriptions, D. Feissel, 'La réforme chronologique de 537 et son application dans l'épigraphie grecque: années de règne et dates consulaires de Justinien à Héraclius', *Ktema* 18 (1993, published 1996), 171–88.

[25] For example, on Carthage transitional issue (W. Hahn, M. Metlich, *Money of the Incipient Byzantine Empire* (Vienna, 2000), pl. 30, N185) and from Maurice reign on, on all Carthage gold issues.

[26] D. Feissel, 'Notes d'épigraphie chrétienne (X)', *BCH* 119 (1995), 375–89, here 385 referring for oaths formulae to K. Worp, *ZPE* 45 (1982), 211–12 and 217–18, and for a dedicace to Justin II, Tiberius and Sophia (577) to an inscription from Philae (*CIG* IV, 8646 = E. Bernand, *Inscriptions de Philae*, II, n° 216).

[27] L. James, *Empresses and Power in Early Byzantium* (Leicester, 2001), 109–10.



Figure 5.5 Tiberius II, Constantinople consular solidus with cross on reverse. *DOC* no. 2 (BZC 1960.3) 21mmø © Dumbarton Oaks, Byzantine Collection, Washington, DC



Figure 5.6 Phocas Constantinople solidus with AVCC *DOC* no. 3.1 BZC 1948.17.1891 Peirce coll 21mmø © Dumbarton Oaks, Byzantine Collection, Washington, DC



Figure 5.7 Phocas Constantinople solidus with AuGU. *DOC* no. 11c.3 (2nd Aydin hoard) BZC 1958.122 21mmø © Dumbarton Oaks, Byzantine Collection, Washington, DC



Figure 5.8 Justinian II 1st reign, Constantinople. Solidus with Pantocrator *DOC* no. 7h BZC 1957.4.62 Friend coll) 20 mmø © Dumbarton Oaks, Byzantine Collection, Washington, DC



Figure 5.9 Justinian II 2nd reign, Constantinople. Solidus with younger Christ bust (Emmanuel type) *DOC* no. 1.4 BZC 1948.17.2391 21mmø © Dumbarton Oaks, Byzantine Collection, Washington, DC

been dictated to Tiberios in a dream. Whether there was such heavenly command or not, the story suggests that the emperor may have intervened personally in the move. Phocas condemned to being beheaded the demarchs for having put the *laurata* of his daughter Domentzia and her husband Priscus on the columns together with the Emperor's laurata.[28] Grierson related rightly to this episode the change of the reverse inscription on the solidi from VICTORIA AVCC to VICTORIA AVGU, which stressed that there was only one Augustus while the two Cs may have been still understood as an allusion to two emperors (figs 5.6 and 5.7).[29]

The dramatic choice of the two types of Christ image introduced on the coinage of the first and second reign of Justinian II has been extensively commented upon by art historians and numismatists (figs 5.8 and 5.9).[30] But nothing is known about the role of the emperor or his entourage in this landmark change, though its connection with the 83rd canon of the 692 Council (692) recommending that Christ should be shown in his human form is quite likely.[31] The image of Christ Pantocrator, clumsily copied from that on Justinian II's 1st reign issues,[32] was revived on the nomismata of Michael III and Theodora. It is plausibly considered that it was intended to convey over the Empire the news of the restoration the images proclaimed on 11 March 843 (figs 5.10 and 5.11). According to Grierson, the beginning of the issue could be dated to 'before the end of 843'.[33] But the recent die-study by Franz Füeg shows that

[28] Chron Pasch 701, Theophanes, 294 οἱ δὲ δήμαρχοι τῶν δύο μερῶν ἐν τοῖς τετρακίοσι σὺν τῶν βασιλικῶν λαυράτων ἔστησαν Πρίσκου καὶ Δομεντζίας λαυράτα. ταῦτα ἰδὼν ὁ βασιλεὺς ἠγανάκτησεν, καὶ πέμψας ἤγαγε τοὺς δημάρχους Θεοφάνην καὶ Πάμφιλον, καὶ στήσας αὐτοὺς εἰς τὸ στάμα γυμνοὺς ἐκέλευσεν ἀποτμηθῆναι αὐτούς. See the comment in Kruse, *Studien*, 40–41.

[29] P. Grierson, 'Solidi of Phocas and Heraclius: the chronological framework', *Numismatic Chronicle*[6], 19 (1959), 131–54.

[30] J.D. Breckenridge, *The Numismatic Iconography of Justinian II* (New York, 1959) with earlier refs. to Grabar and other studies.

[31] G. Dagron, *Décrire et peindre: Essai sur le portrait iconique* (Paris, 2007), 184–94 concurs with previous scholars in this interpretation.

[32] Grierson, *Catalogue of the Byzantine Coins in the Dumbarton Oaks Collection and in the Whittemore Collection*, 3/1 (Washington DC, 1973), 454.

[33] Ibid., 455.



Figure 5.10 Michael III and Thekla, Constantinople. Nomisma with Theodora on reverse. *DOC* no. 1b.2 BZC 1948.17.2681 20mmø © Dumbarton Oaks, Byzantine Collection, Washington, DC



Figure 5.11 Michael III and Theodora, Constantinople. Nomisma with Christ on obverse. *DOC* no. 2.1 BZC 1948.17.2686 20mm © Dumbarton Oaks, Byzantine Collection, Washington, DC

the first issue of the reign without Christ image, featuring Michael III and Thekla on the obverse and Theodora on the reverse, is much more plentiful and varied than the Pantocrator issue and cannot be squeezed into the first year of Michael III's reign. Statistics of the estimated original number of dies lead to the conclusion that the Pantokrator issue started probably much later, c.850.[34] Another argument, already noted by Wroth in 1906, confirms this later dating: the representation of Michael III as an older person on the issue with the image of Christ.[35] This is against the intuitive dating, and has to be analysed in the context of the Restoration of images.[36] The 'Purge of 843' may not have been as large as assumed by Dmitry Afinogenov,

[34] F. Füeg, *Corpus,* 29–30.

[35] Wroth *BMC*, 430, n. 1 favoured 852 as the date for the introduction of the type pointing out to that older representation of Michael III.

[36] F. Füeg (*Corpus,* 30) considers that 'Theodora was cautious to avoid iconoclasts' reaction and the reinstatement of images in churches met with some degree of reluctance'. He overinterprets here Herrin, *The Formation of Christendom* (Princeton, 1987), 474 who only writes that 'the redecoration of churches proceeded slowly'. In discussing this point with me, Judith Herrin added that 'that the crosses put up by the iconoclasts remained (For example, in Hagia Eirene, Constantinople) because they were a potent symbol of the faith for iconophiles as well as iconoclasts. There is little evidence for an immediate redecoration partly because so much iconoclast art was acceptable to iconophiles'.



Figure 5.12 Michael III and Basil, Constantinople. Follis *DOC* 8.3 BZC 1948.17.2705 26mmø © Dumbarton Oaks, Byzantine Collection, Washington, DC

who takes seriously the allusion in the *Vita Methodi* (PG 100, col. 1260–1) to 'twenty thousand or more priests, prevented from impiously officiating'.[37] But the texts assembled and analysed by Jean Darrouzès show that the difficulties in dealing with the iconoclast clergy lasted during the whole duration of Methodios' patriarchate (843–7).[38] This does not dismiss the plausible role of Theodora in the choice of the new type, but puts it in a different perspective and shows that the imperial authority may have apparently taken care not to counter directly 'public opinion'. Judith Herrin also suggests very plausibly that 'Theodora wanted to make absolutely sure that her son Michael, designated as heir to Theophilos, was accepted, and so insisted on the wide circulation of the first type, which also had her own image on the reverse to show that she was his guardian'.

Other programmatic issues could be recalled: the copper folles of Michael III and Basil I and their latin inscription (*Michael imperator basilius rex*) designed to prove to the pope that, contrary to his blame, Latin was known in Constantinople (Figure 5.12),[39] the protocol niceties in titulature and position on the score of issues from the long reign of Constantine VII which illustrate the rise and fall of the Lekapenoi ambitions,[40] or the Virgin's appearance on Nikephoros II Phokas and John I Tzimizkes nomismata in place of Basil II (figs 5.13 and 5.14), which combined the ruler's piety and his desire to dispense with showing the image of the legitimate young basileus. In all cases, the emperor's or his counsellors' wishes must have been decisive.

37 D.E. Afinogenov, 'The Great Purge of 843: A Re-Examination', in *Leimon: Lennart Rydén Festschrift*, J.O. Rosenqvist, ed. (Uppsala, 1996), 79–91.

38 J. Darrouzès, 'Le patriarche Méthode contre les Iconoclastes et les Stoudites', *REB* 45 (1987), 15–47, at 16.

39 Grierson, *Catalogue*, III/1, 456 with ref. to pope Nicholas I letter in *MGH ep.karol.* IV, 459.

40 Grierson, *Catalogue*, III/2, 526–38; T.E. Gregory, 'The Gold Coinage of the Emperor Constantine VII', *American Numismatic Society Museum Notes* 19 (1974) 87–118. For seals, see J. Nesbitt, *Catalogue of Byzantine Seals at Dumbarton Oaks and in the Fogg Museum of Art*, 6 (Washington DC, 2009, 56–65.



Figure 5.13 Nikephoros Phokas with Basil II, Constantinople. Nomisma *DOC* 1.1 BZC 1948.17. 3124 21mmø © Dumbarton Oaks, Byzantine Collection, Washington, DC



Figure 5.14 Nikephoros Phokas, Constantinople. Emperor with Theotokos (without Basil II) *DOC* 4.2 (BZC 1948.17. 3128) 22mmø © Dumbarton Oaks, Byzantine Collection, Washington, DC



Figure 5.15 Michael VIII, Constantinople. Hyperpyron *DOC* 12 (BZC 1948 17 3592) © Dumbarton Oaks, Byzantine Collection, Washington, DC

The most enlightening example of such a personal choice is provided by the hyperpyron of Michael VIII (Figure 5.15). It fits well with the emperor's celebration of Constantinople's reconquest when on Dormition day (1261) he entered through the Golden Gate, listened kneeling to the prayers pronounced in front of the Virgin Hodegetria's icon and walked all the way behind it to the Stoudion monastery.[41] It matches his imagery on other media (the seal where he

[41] Georgios Acropolites, ed. Heisenberg, Leipzig, 1903, p. 186–8; R. Macrides, *George Akropolites: The History* (Oxford, 2007), 383–4.



Figure 5.16 Michael VIII, Constantinople. Lead seal. Numismatic Museum, Athens, *Iliou Melathron 2000. To Nomismatiko Mouseio sto katophli tou 21ou aiona* (Athens, 2001), 120–1

raises the icon of the Virgin Blachernitissa above his head (Figure 5.16),[42] the statue of himself kneeling in front of Archangel Michael)[43] and his own declarations in his typikon for the monastery of Kellibara, *De vita sua*:[44]

> Who shall tell the mighty acts of the Lord; who shall cause all Thy praises to be heard? (Ps. 105 [106]:2) I was raised up to be emperor of your people. The proof of this is clear and unambiguous. For it was not the many hands coming to assist me or their frightening weapons which elevated me above the heads of the Romans. It was not any highly persuasive speech delivered by me or by my supporters which fell upon the ears of the crowd, filled them with great hopes, and convinced them to entrust themselves to me. No, it was Your right hand, Lord, which did this mighty deed. Your right hand raised me on high, and established me as lord of all.

42 Specimen in the Numismatic Museum in Athens: *Iliou Melathron 2000. To Nomismatiko Mouseio sto katophli tou 21ou aiona* (Athens, 2001), 120–1 and H.C. Evans, ed., *Byzantium. Faith and Power (1261–1557)* (New Haven, London, 2004), no. 6, p. 31–2.

43 See A-M. Talbot, 'The Restoration of Constantinople under Michael VIII', *DOP* 47 (1993), 243–61 and T. Thomov, 'The last column in Constantinople: To the memory of Dr. Annetta Ilieva', *BySl*, 59/1 (1998), 80–91.

44 *Imperatoris Michaelis Palaeologis de vita sua*, ed. and French transl. by H. Grégoire, *Byzantion* 29–30 (1959–60), 453, 456. English transl. by G. Dennis in J. Thomas, A. Constantinides Hero, ed., *Byzantine Monastic Foundation Documents: A Complete Translation of the Surviving Founders' Typika and Testaments* 3 (Washington DC, 2000), 1241–52. (*Typikon* of Michael VIII Palaiologos for the Monastery of St. Demetrios of the Palaiologoi-Kellibara in Constantinople). See C. Morrisson, 'L'hyperpère de Michel VIII Paléologue et la reconquête de Constantinople', *Bulletin Club Français de la Médaille*, 55/56 (1977), 76–86.

When Pachymeres commented later on the debasement of the hyperpyron, he stated that:

> Under Michael [VIII], after the recovery of the City, because of the expenses (*doseis*) then necessary, not least with regard to the Italians, he [Michael] altered the reverse (*opisthen*) of the old designs by means of a representation of the City …[45]

It is implicit that the emperor himself, or his entourage, had devised this alteration of the imagery.

Reception and Impact on Public Opinion

That Pachymeres went into a description of the coin shows that this innovative type had made an impression on the public. While he mentioned the City, the Italian merchants described these *perperi* as *inginocchiati* choosing another innovation, the kneeling emperor, as characteristic. Here is a rare example of a dual reaction to the same type: the Byzantine writer focusing on the symbolic value of the reverse, the foreign merchant on the change in the emperor's image, from standing to kneeling.

One must be aware that the visibility of coins in terms of diffusion is greater than that of any other image or sculpture.[46] Already in the second century AD, Fronto tells Marcus Aurelius how:

> on all changers' tables, in shops and taverns, canopies, vestibules, windows, at all places possible, everywhere are your images presented to the common people. They are also painted most of them indeed badly or even crudely made or sculpted in clay.[47]

Though money is not mentioned, coins are probably the media present *usquequaque, ubique* and the bad paintings or crude clay figures adorning shops remind of any president's photographs posted in today's souks or bazars in the Mediterranean world and elsewhere.

Though coins circulated in millions, they did so in various circles at different levels and must have met different publics, so that their reception varied with the culture of the users. Even the most cultivated may not have paid great attention to what was passing in their hands, like us today. Who in the Eurozone, except

[45] Pachymeres, Bonn, II, 493–4 = Failler ed., 541; I cite here Michael Hendy's translation in *Studies*, 1985, 527.

[46] For the Roman period, see the reflections of P. Veyne, 'Lisibilité des images, propagande et apparat monarchique dans l'Empire romain', *Revue historique* 621 (2002–1), 3–30.

[47] Fronto, *ad Marcum Caesarem,* IV, 12: 'Scis ut in omnibus argentariis mensulis, perguleis, taberneis, pro tecteis, vestibulis, fenestris, usquequaque, ubi que, imagines vestrae sint volgo propositae, male illae quidem pictae pleraeque et crassa, lutea immo, Minerva fictae scalptaevel'. See above, the comment in S. Ivanov's paper.

a numismatist or a collector, would look at the small change in his wallet and comment on the quality and variety of Italian or Greek reverse patterns compared to the politically correct poverty of French ones?[48] This is the sceptic's view of the reception of ancient coins.[49]

I would contend that in the Byzantine or western medieval worlds, the public, even the popular one, would pay greater attention to coins' design and could identify them, whether they bore an inscription or not[50] – first, because it was the guarantee of their authenticity and their purchasing power; second, because images on coins could be a source of entertainment. A few anecdotes are revealing. The most picturesque of all is that of the juggler in Antioch whose dog had been trained so that he brought back thousands of coins of various emperors according to their name διαφόρων βασιλέων νομίσματα μυρία ἔπεδίδου κατ᾽ ὄνομα.[51] Clearly the juggler could not have made a living from his trick if passers-by could not have recognised the coins' types. Similarily, when one of the seven sleepers from Ephesus was sent on their awakening to buy bread with bronze coins (ἀργύρια) dating to the time of their martyrdom under Decius, 150 years before, the bakers saw they were 'a large and not current money' (λαβόντες καὶ ἰδόντες τὴν μονίταν ὅτι μεγάλη ἦν καὶ ἐναλλαγμένη), and thought that he had found a hoard. This implies that people were able to recognise ancient types from present-day ones.[52]

The same faculty of identification was valid to a certain extent for statues, as hinted by the *Parastaseis* referring to Theodosius the Great (379–95) apropos his supposed demonetisation (*emaurosis*, blinding/defacing) of the coinage of Julian:

> In addition, when he saw his [Julian's] statue (*stèlè)* standing outside the Mint (*kharagè*), he turned red and asked his companions whose likeness (*charagma*) it was. When they replied that it was Julian's, he said at once, 'I have seen a black man represented in a statue and I grew very red', and at once he broke it …[53]

With time elapsing, whether for statues or coins, of course the identifications became more confused. When the *Vita* of St Stephen the Younger blames Constantine V for erecting a statue in honour of the charioteer Ouraniakos, it probably alludes in fact to one of the prophet Elias in his fiery chariot.[54]

[48] M. Popoff, 'Symbolique, héraldique et affirmation identitaire sur les "faces nationales" des euros et centimes d'euros', *Bulletin de la Société Française de Numismatique*, 57 (2002), 41–45.

[49] The one shared among others by M. Crawford, op. cit.

[50] Coins can have the imperial figure without an inscription (like imperial busts on consular diptychs which did not need to be identified since consuls were dating the year and everyone knew who was the ruling emperor).

[51] Malalas, *Chronographia*, ed. Dindorf, Bonn, 453, 22–3.

[52] Symeon Metaphrastes, PG 115, col. 428–48.

[53] *Constantinople in the Early* ch. 46, Cameron-Herrin p. 122, transl., 123 and comm. 235–6. Dagron, *Constantinople imaginaire*, does not comment this episode.

[54] *La Vie d'Étienne le Jeune par Étienne le Diacre* (BHG 1666), ed. M-F. Auzépy (Birmingham, 1997), § 65, 166 text, 265 transl., and comm. n. 411.

Similarly but more positively, the Letter of the Three Patriarchs to Theophilus describes the coin type of Justinian II and assigns it to Constantine the Great:

> As the first and foremost offering, a token of devotion to Christ our true God, he [Constantine] engraved on the imperial coinage of the state the sign of the salvation-bringing and life-giving cross, that had appeared from heaven, and stamped the revered and theandric figure of Christ with his own image on the coin …[55] Κωνσταντῖνος … πρώτιστον, καὶ ἐξαίρετον καλλίερημα τῆς εἰς Χριστὸν τὸν ἀληθινὸν ἡμῶν Θεὸν εὐσεβείας, γνώρισμα ἐγχαράττει τῷ βασιλικῷ τῆς πολιτείας νομίσματι, τό τε οὐρανοφανὲς σημεῖον τοῦ Σωτηρίου σταυροῦ, καὶ τὸν σεβάσμιον καὶ θεανδρικὸν Χριστοῦ χαρακτῆρα ἐν αὐτῷ μετὰ τοῦ ἰδίου ἀνετυπώσατο …

The main point is not the error in identification of the emperor, since in the middle and late Byzantine period, as well as in the west, any imperial figure could easily be identified with Constantine, ideal emperor and saint, but the indirect evidence of the impact of Justinian II's innovation. Note that the same text further blames the iconoclast emperor for having replaced the image of Christ by his own in order to refute Christ's supreme authority and assume alone absolute earthly power.

This is also evidence that the Isaurians' and Amorians' shift to a fully 'dynastic' coinage had also been noticed and was used as an argument in the polemic.

Even contemporaries could misunderstand the signification of the coins as in the well known cases of the Victory on globe of Justin II's solidus (Figure 5.17),[56] mistaken for Aphrodite, or Isaakios I Komnenos' sword (figs 5.18 and 5.19), considered the proof of his military seizure of power.[57] When Skylitzes Continuatus blames him for not giving credit to God, but on the contrary to his own force and military skill, he is moved by political reasons. However, the other critics and misinterpreters (John of Ephesos or Matthew of Edessa) are no Constantinopolitan writers but come from a more remote environment, are less acquainted with Roman or Byzantine traditions and ceremonial and are not amicably oriented to the emperor they blame. Isaac was not the first emperor to be represented in military costume. A few years before, Constantine IX Monomakhos, who was not exactly representative of military aristocracy and demeanor, had adopted a military garb on his silver coins (Figure 5.20). Isaakios may have been playing also on the representations of military saints holding sword and even an unsheathed sword,

[55] *The Letter of the Three Patriarchs to Emperor Theophilos and Related Texts*, J.A. Munitiz, J. Chrysostomides, E. Harvalia-Crook and Ch. Dendrinos, eds (Camberley, 1997). Para 5d, p. 20.

[56] John of Ephesus, *Ecclesiastical History*, III, 16, first cited by A.H.M. Jones, 'Numismatics and history', in *Essays in Roman Coinage pres. to H. Mattingly,* R.A.C. Carson, H. Sutherland, eds (London, 1956), 13–33, at 15 (repr. in A.H.M. Jones, *The Roman Economy*, P.A. Brunt, ed., [Oxford, 1974], 61–81).

[57] *Skylitzes Continuatus*, ed. J. Tsolakis (Thessalonica, 1968), 103; Zonaras, *Epitomae Historiarum libri XVIII,* ed. Th. Büttner-Wobst (Bonn, 1897), XVIII, 4.2, p. 665–6; Matthieu d'Édesse, *Chronique*, ed. E. Dulaurier (Paris, 1858) II, 79, p. 104–5.



Figure 5.17 Justin II, Thessalonica. Solidus not in *DOC* (BZC 2002.4). Cf MIB 16



Figure 5.18 Isaakios I Komnenos, Constantinople. Nomisma histamenon. Emperor holding sheathed sword *DOC* 1.2 (BZC 1948.17.2964) 26mm © Dumbarton Oaks, Byzantine Collection, Washington, DC



Figure 5.19 Isaakios I Komnenos, Constantinople. Nomisma histamenon. Emperor drawing sword. *DOC* 2.7 (BZC 1947.2.103) 27mm © Dumbarton Oaks, Byzantine Collection, Washington, DC



Figure 5.20 Constantine IX Monomachos, Constantinople. Miliaresion. *DOC* no. 7b2 BZC 1956.23.190 Bertelè coll 26mm © Dumbarton Oaks, Byzantine Collection, Washington, DC



Figure 5.21 Anonymous follis class A2. *DOC* A2.1.1 Schindler coll. BZC.1960.125.1759 37mm © Dumbarton Oaks, Byzantine Collection, Washington, DC

such as St Michael of Chonai, very popular in the Byzantine Eastern army.[58] The ambivalence was certainly facilitated by the fact that the imagery of the archangel had strong imperial connections.[59]

> He [John I Tzimiskes] also ordered that the image of the Saviour be inscribed on the gold and copper coins, something which had not happened before, and on one of the sides there were written Roman letters saying: Jesus Christ, king of kings – a practice which subsequent emperors retained.[60]

This rather exact report by John Skylitzes about the creation of the anonymous follis by John Tzimiskes (Figure 5.21) is one more argument for the attention paid to changes in the imagery both by the user and by the issuing authority. The slow Christianisation of coinage in the early Byzantine period on the one hand and on the other hand the ever increasing religiosity of the imperial image displayed on coins later on were in agreement with and evolved at the same pace as popular attachment to early traditions in the Early Byzantine period and popular piety with its increased devotion to saints from the tenth century. Coin designs did not undergo the 'Byzantine' commentaries that they are now subjected to, but the Byzantines certainly were not indifferent to them.

[58] J. Nesbitt, N. Oikonomides, *Catalogue of the Byzantine Seals at Dumbarton Oaks and in the Fogg Museum of Art*, III (Washington, DC, 1996), nos. 99.6–7, 174–5. These two eleventh-century lead seals belong to 'John, nobellisimos, protovestiarios and grand domestikos of the Schools of the Orient' who could be the brother of Isaakios Komnenos, though there are some difficulties with the identification.

[59] J. Cotsonis, The Contribution of Byzantine Lead Seals to the Study of the Cult of the Saints (Sixth–Twelfth Century), *Byzantion* 75 (2005), 383–497 at 438–42.

[60] Skylitzes, *Synopsis historiarum*, ed. I. Thurn (Berlin and New York, 1973) 311 = *A synopsis of Byzantine History 811–1057*, J. Wortley, transl. (Cambridge, 2010), 295.

6

The Authority of the *Eparchos* in the Markets of Constantinople (according to the *Book of the Eparch*)*

Johannes Koder

Of the three types of imposed authority distinguished by Max Weber, namely traditional, charismatic and rational-legal, it is the third that underpins the ἔπαρχος τῆς πόλεως, 'the mayor of the City'.[1] For legitimacy the office depended on established formalities and laws of the state that were only partially written down. Following the model of the *praefectus urbi* at Rome, the institution of the 'eparch of Constantinople' came into existence in the mid fourth century. The office had acquired responsibility for trade and commerce in the territory of Constantinople by the fifth century, indicated by legal tradition, for example regulations in the *Theodosian Codex*:

> All the guilds in Constantinople, as well as the citizens and all the inhabitants, shall be subordinate to the Eparch of Constantinople.[2]

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* R-J. Lilie, Berlin, is thanked for kindly communicating to me lemmata from Part II of the *Prosopographie der mittelbyzantinischen Zeit: Zweite Abteilung (867–1025)* [*PmbZ*], referenced in the notes. Nach Vorarbeiten F. Winkelmanns erstellt von R-J. Lilie, C. Ludwig, Th. Pratsch, B. Zielke sowie B. Krönung, H. Bichlmeier, D. Föller, unter Mitarbeit von A. Beihammer und G. Prinzing, vol. 1–8 (Berlin, New York, in preparation).

1 M. Weber, *Politik als Beruf*, Geistige Arbeit als Beruf 2 (Munich and Leipzig, 1919), repr. with a postscript by R. Dahrendorf, Universal-Bibliothek 8833 (Stuttgart, 1997).

2 For the text, see p. 98, *Sources*, 1. See in general R. Guilland, 'Études sur l'histoire administrative de l'empire byzantin. L'Éparque, I. L'Éparque de la ville', *BSl* 41 (1980), 17–32, 145–80, and 'III. L'Apoéparque', *BSl* 43 (1982), 30–44; on this: J-Cl. Cheynet, 'L'Éparque: Correctifs et Additifs', *BSl* 45 (1984), 50–4; E. Papagianni, 'Byzantine Legislation on Economic Activity Relative to Social Class', in *EHB* III, 1083–93; A.E. Goutzioukostas, '*Η απονομή δικαιοσύνης στο Βυζάντιο (9ος–12ος αιώνας). Τα κοσμικά δικαιοδοτικά όργανα και δικαστήρια της πρωτεύουσας*, Βυζαντινά Κείμενα και Μελέται 37 (Thessalonike, 2004); T.G. Kolias and M. Chroni, *Το Επαρχικόν Βιβλίον Λέοντος Ϛ' του Σοφού. Εισαγωγή, απόδοση κειμένου στη νέα ελληνική, σχολιασμός* (Athens, 2010), 13–25.

In the middle Byzantine period the office ranked immediately after the emperor, as Michael Psellos made clear, setting the eparch on almost equal ranking with the emperor: 'imperial authority without purple', as he described this office.[3] The character traits and intellectual competencies expected of the Eparch of Constantinople in the middle Byzantine period can be seen in two passages from Theophanes Continuatus. The first describes the *protospatharios* Konstantinos on the occasion of his investiture (946/7) as follows:

> (He was) … the former Mystikos and leader of the philosophers, laudable in word and deed since no other in the Senate approached his level of knowledge and wisdom; and thus he caused the Office of the Eparch to shine in legality and justice.[4]

Similarly, a second passage on the patrician Theodore Belonas states:

> He (Constantine Porphyrogenitus, probably in 957/8) invested him, a capable and educated man, well versed in the laws and handsome as well, as Eparch and Father of the City.[5]

Thus the authority of the eparch was based on erudition, a sense of justice and knowledge of the laws. It was emphasised especially by the office holder's investiture by the emperor, and subsequent inclusion amongst the class of the 'other' patricians for the imperial distribution of gifts.[6] At the *Praitorion*, he administered justice and executed judgements, sometimes by direct order of the emperor.[7] He even, occasionally, acted in place of the emperor at Constantinople when the emperor was away at war.[8] The high status of the eparch is further attested throughout the ninth and tenth centuries in records where the fourteen *axiomata* ('ranks') subordinate to him are listed.[9]

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[3] *Chronographie ou histoire d'un siècle de Byzance (976–1077)*, ed. Émile Renauld, vol. 1 (Paris, 1926), 30: ἐπάρχου ἀξίωμα … βασίλειος δὲ αὕτη ἀρχή, εἰ μὴ ὅσον *ἀπόρφυρος*.

[4] For text, see p. 98, *Sources*, 2; also *PmbZ* 23916.

[5] For text, see p. 98, *Sources*, 3; also *PmbZ* 27707.

[6] Constantine Porphyrogenitus, *De cerimoniis*, ed. I. Reiske, CFHB, I–II (Bonn, 1829–30), 526–8 and 784.

[7] For instance, by order of the emperor, the Eparch had the well known iconoclastic verses branded to the foreheads of the Graptoi brothers. See Georgios Monachos, *cont*. ed. J.P. Migne *PG* 110, 807, and Symeon Logothetes, ed. P.G. Migne, *PG* 114, 226.

[8] Such as Niketas Ooryphas during the assault of the Ros on Constantinople. Georgios Monachos, *cont*., 826 and Symeon Logothetes, 240.

[9] For these records, the '*taktika*', see N. Oikonomidès, 'Les listes de préséance byzantines des IXe et Xe siècles (Paris, 1972) (U = Taktikon Uspenskij [842/3], P = Philotheos [899], B = Taktikon Beneševič [934/944], E = Taktikon Escorial [971/5]), U 49.20, 51.16, B 247.17. See p. 98, *Sources*, 4: there were two *protokankellarioi* and twelve *geitoniarchai*. See P 209.22f., M.J. Sjuzjumov, *Vizantijskaja kniga eparcha. Vtsupitelnaja statja, perevod, kommentarii* (Moscow, 1962), l.c. 104, and Oikonomidès, 'Listes', 319–21.

Textual Evidence

The texts known as the *Book of the Eparch*,[10] and the *Eisagoge* ('Introduction'), promulgated probably in 886, demonstrate the powerful position of the eparch of Constantinople in the middle Byzantine period.[11] The fourth title in the *Eisagoge* is dedicated in its entirety to the eparch.[12] It corresponds to a great degree with Book 6.4.2–4 of the slightly later *Basilika*, probably to be dated Christmas 888, that ultimately derived largely from the *Digest*.[13] Nevertheless, it is beyond doubt that Photios, the 'originator' of the *Eisagoge*, deliberately used the text to delineate the prominent role of the Eparch of Constantinople.[14] When compiling the *Eisagoge*, he seems also to have decided to record systematically the traditional regulations for commerce and trade in Constantinople, and to harmonise these with the *Basilika*.[15]

10 Text and translations: *Das Eparchenbuch Leons des Weisen*, ed. and tr. J. Koder, Corpus Fontium Historiae Byzantinae XXXIII (Vienna, 1991); J. Nicole, *Le livre du préfet ou l'édit de l'émpereur Léon le Sage sur les corporations de Constantinople, Texte grec du Genevensis 23* (Geneva, 1893); J. Nicole, *Le livre du Préfet: Traduction francaise avec une introduction et des notes explicatives* (Geneva and Basle, 1894); Kolias and Chroni, *Το Επαρχικόν Βιβλίον*. English translations: A.E.R. Boak, 'Notes and Documents. The Book of the Prefect'. *Journal of Economic and Business History* 1 (1929), 597–619; E.H. Freshfield, *Ordinances of Leo VI, c.895, from the Book of the Eparch* (Cambridge, 1938). See also: A. Stöckle, *Spätrömische und byzantinische Zünfte* (Leipzig, 1911, repr. Aalen, 1963), esp. 'Der Staat und die Zünfte', 74–134; A.P. Christophilopoulos, *Το Ἐπαρχικόν Βιβλίον Λέοντος του Σοφού και αι συντεχνίαι εν Βυζαντίῳ* (Athens, 1935); Sjuzjumov, *Vizantijskaja kniga eparcha*; H. Kahane and R. Kahane, 'Abendland und Byzanz', *RB* fasc. 5 (1972), 517f.

11 Text of the *Eisagoge* ('*Epanagoge*'): P. Zepos (post C.E. Zacharic von Lingenthal), *Leges Imperatorum Isaurorum et Macedonum. Jus Graecoromanum* 2 (Athens, 1931), 236–368. For the date of the promulgation of the *Eisagoge* see: Schminck 1986, 55–107. Eparchs documented for the period between c.860 and c.920 are listed in the Appendix. Seals of the *eparchoi*: V. Laurent, *Le corpus des sceaux de l'empire byzantin*, vol. V, II (Paris, 1965), 545–79 (Nr. 993–1048).

12 Περὶ τάξεως ἐπάρχου πόλεως, Zepos 2, 243–4.

13 On this and the paragraph that follows see *Basilika* 6.4.2–4, corresponding to *Digest* 1.12.1 and 3, p. 98, *Sources*, 5, and how it compares with *Eisagoge* 4, p. 100, *Sources*, 6. For the date of the 60 books of Leo VI, see A. Schminck, 'Frömmigkeit ziere das Werk, ' *Subseciva Groningana* 3 (1989), 90–3.

14 Schminck 1986, 55–107. On the 'organisational' background see M. Th. Fögen, 'Gewalt, Gesetz und Organisation. Attribute politischer Macht in Byzanz', in Sp. N. Troianos, ed., *Kateuodion In Memoriam Nikos Oikonomides* (Athens and Komotini, 2008), 27–38, esp. 34–5.

15 Some passages in the *BE* probably stem directly from the *Eisagoge* rather than from older codifications. For example, compare *BE* 3.3: ... τὸ ἀκίβδηλον τὸν βασιλικὸν ἔχον χαρακτῆρα ['which has the imperial impress unadulterated'] with *Eisagoge* 2.3: … κιβδηλεύειν τὸν βασιλικὸν χαρακτῆρα ['to adulterate the imperial impress']. For more on the relationship between the *BE* and the *Eisagoge*, see J. Koder, 'Delikt und Strafe im Eparchenbuch:

It was this process, and not just the general importance of corporations in society, that may well have led to the creation of the *BE*.[16]

The *Eisagoge* emphasises that, within his territory, the eparch ranked directly behind the emperor.[17] His power and capabilities of action, and consequently those of his functionaries, were, at least theoretically, broad. In the city, he was empowered to investigate all charges and prosecute all crimes (*Eisagoge* 4.1), to pronounce the exile of individuals and the restriction of their freedom of movement, a type of house arrest (*Eisagoge* 4.3).[18] He had the authority to prohibit either temporarily or permanently the sale of certain goods, the performance of public spectacles, and public gatherings in the entire city or in parts of it.[19] In order to ensure the maintenance of peace and order and to investigate all types of incidents, the eparch was in charge of soldiers (*stratiotai*)[20] who apparently possessed the authority of peacekeeping officers and secret police. The duties of the latter are noted by Kekaumenos in relation to Constantinople:

> Watch attentively to the political development in the City so that nothing escapes your notice! Have your spies at any time at any place, at all corporations![21]

The eparch's geographical sphere of action was limited to the City and its surrounding area within a radius of a hundred miles, in the same manner as the *praefectus urbi* in Rome.[22] However, territory of that size corresponded to only a small part of the real physical-geographical extent of Constantinople's regional economic impact. Even in the early Byzantine period its sphere of influence had extended beyond the walls of the City to encompass the hinterland on both sides of the Bosphorus, in Thrace and in Asia Minor. We can assume that the area under the eparch's jurisdiction extended north to the entrance to the Black Sea and southwest to Abydos where, in both cases, maritime border controls existed for the

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Aspekte des mittelalterlichen Korporationswesens in Konstantinopel', *JÖB* 41 (1991), 113–31, and below, p. 97–8.

[16] See for instance *de cerimoniis*, 497–8, reproduced in p. 101, *Sources*, 7, where the protocol for the reception of the emperor is described.

[17] *Eisogoge* 4.11.

[18] In the case of an individual's exile to his place of origin, the eparch was compelled to enforce his stay there: *Eisagoge* 4.9; in practice this was probably unenforceable.

[19] *Eisagoge* 4.9.

[20] *Eisagoge* 4.8: … καὶ ἔχει στρατιώτας ἐπὶ τῇ εἰρήνῃ καὶ ἐπὶ τὸ ἀναφέρειν αὐτῷ τὰ πανταχοῦ κινούμενα. ['and he has soldiers for peacekeeping and to relate to him what is ongoing in any place'].

[21] Reproduced in p. 102, *Sources*, 8. Note the clear reference to the corporations.

[22] *Eisagoge* 4.4, based on *Basilika* 6.4.2 and/or *Digest* 1.12.1. See also L. Burgmann, '*Peira* 51. Übersetzung und Kommentar', in *Memoriam Nikos Oikonomides*, 5–26, esp. 11. In reality the *eparchos* of Constantinople may have been much more important than the *praefectus* of Rome, because the *polis* was the permanent residence of the emperor.

purpose of collecting tariffs. Inland, the economic area stretched probably to the Long Walls in Thrace,[23] and to the lower reaches of the Sangarios in Asia Minor.[24]

Market Functions of the Eparch

The stipulations of the *BE* address the activities of members of the individual corporations.[25] From these stipulations two distinct groups of regulations can be identified that apply to numerous corporations, thereby promoting a measure of standardisation within the *BE*.[26] The first group of stipulations is common to several corporations, sometimes even repeated verbatim in each section. These are primarily concerned with matters of public interest, such as:

- mutual control of corporation members.
- restriction of residency for those arriving in Constantinople from elsewhere, applicable to *Romaioi* as well as non-*Romaioi*.[27]
- protection of the value of coins by prohibiting the alteration of their weight and composition through manipulation.[28]
- regulation of scales, measurements, and weights.[29]
- prohibition of concealing goods to cause a shortage and accompanying price rises.
- prohibition of effecting a rise in the rent of shops of competitors.
- prohibition of price increases after payment of earnest money (*arrabo*, *arra*).

23 See A. Külzer, 'Ostthrakien (Europe)', *TIB* 12 (Dph 369) (Vienna, 2008), 507–9, s.v. *Makra Teiche*, with further bibliography.

24 The stipulation in the *BE* 15.3 that butchers were to conduct their purchasing beyond the Sangarios should be seen in this context.

25 The distinction, which *Peira* 51.7 makes between *somateion* (*corpus*) and *systema* (*collegium*), has no significance for the BE, which uses the term *somateion* only in the title, whilst the text has always *systema*, cf. Burgmann, '*Peira* 51', 10.

26 On the following, see J. Koder, 'Überlegungen zu Aufbau und Entstehung des Eparchikon Biblion', in *Kathegetria: Essays Presented to Joan Hussey for her 80th Birthday* (Camberley, 1988), 94–5.

27 G. Prinzing, 'Vom Umgang der Byzantiner mit dem Fremden', in C. Lüth, R.W. Keck, E. Wiersing, eds, *Der Umgang mit dem Fremden in der Vormoderne: Studien zur Akkulturation in bildungshistorischer Sicht* (Cologne, Weimar, Vienna, 1997), 117–43; esp. applicable to *BE* 6.5.

28 C. Morrisson, *EHB* III 919, 929. This also includes the obligation of the merchants, introduced later, to accept the *Tetarteron* and the *Dyo tetarton nomisma*.

29 C. Entwistle, *EHB* II 612. Letter 68.11 (Markopoulos) by the 'anonymous professor' is characteristic: τίνι δὲ καὶ προσελθεῖν καθ' ἡμῶν βούλει; ὑπάρχῳ; στάθμιον μέγα καὶ μικρὸν παρ' ἡμῖν οὐκ ἔστιν ['To whom do you plan to turn against us? the Eparch? But we have no big or little weights'].

- setting of profit margins.[30]

These regulations have such a high degree of general applicability that they no doubt applied to all occupational groups in Constantinople that formed corporations, and were thus officially regulated.[31]

The second group of stipulations is also concerned with the regulation of corporations, but on a case-by-case basis, or addressed to specific trades. These include:

- conditions for admission to the corporation and for practising trades.
- determination of business volume and lists of goods.
- delineations between trades (an issue often connected with the definition of one and the prohibition of another).
- the locations in Constantinople of specific craftsmen.
- purchase of goods by merchants from importers, wholesale distributors or producers.
- prohibition of poaching workers from other jobs.
- prohibition of engaging workers by contracts longer than one month.

In both areas covered by the stipulations, general and specific, the need for regulation was a civic responsibility, so the task of regulation came under the aegis of the eparch. The extent and varied nature of the eparch's duties made it necessary to delegate the day-to-day operations of his office. Thus the eparch had at his disposal a staff of officials. Although the *BE* offers no systematic information on the structure of the eparch's bureaucracy, it does provide a series of indirect clues for individual functionaries and their subordinates working in the spheres regulated in the *BE*; some are also found in the list of the eparch's subordinates already mentioned.[32] What emerges is a picture of a system of control and power divided amongst two groups of functionaries, those appointed by the eparch or the emperor, and those elected by the members of the corporations.

[30] Although the *BE* actually contains few concrete specifications concerning margins of profit, at the time of its inception it can be assumed that gross profit was not supposed to exceed the standard values of 1 keration/nomisma (that is, one sixth or 16.666%), and net profit was not supposed to exceed 1 milarision/nomisma (that is, one twelfth or 8.333%). See J. Koder, 'Επαγγέλματα σχετικά με τον επισιτισμό στο Επαρχικό Βιβλίο', in Ch. G. Angelidi, ed., *Η καθημερινή ζωή στο Βυζάντιο – Τομές και συνέχειες στην ελληνιστική και ρωμαϊκή παράδοση*, Πρακτικά του Α' Διεθνούς Συμποσίου (Athens, 1989), 363–71. On 'just profit' see A. Laiou, *EHB* III 1135–6.

[31] For the *BE*, this was true whether or not certain stipulations were mentioned at all, and also irrespective of whether or not they were expressly cited in a title. Thus, if specific stipulations were not treated in some titles, this meant that for these corporations the respective matters were unproblematic or appeared to be insignificant.

[32] P 113 and *De cerimoniis* 717; see above, n. 25.

Officials Appointed by the Eparch or the Emperor

The first group comprised officials, *eparchikoi*, salaried by the eparch.[33] They were either appointed directly by him or the eparch nominated them for appointment by the emperor. These were the *symponoi*, the *legatarioi*, the *boullotai* and the *mitotes*.

Symponoi

The *symponoi* were installed in a short ceremony by the emperor and were subordinated to the eparch by the *praipositos*.[34] They ranked in the first place before the *logothetes tou praitoriou*.[35] In each case, *one* performed the function of the representative of the eparch;[36] it is not clear to me whether in the middle Byzantine period they actually served as judges or assessors of the *archon* or *krites*, as was still intended in the *Basilika*.[37] Several were apparently charged by the eparch with the general supervision of the orderly function of the markets, especially with ensuring the correctness of scales, measurements and weights.[38] Their duties, and those of the *legatarioi* discussed below, partially overlapped with those of the *agoranomos*, as this official is called in the *Basilika* (or *aedilis*, as in the *Digest*).[39]

In the *BE*, references to the *symponoi* are found on the following occasions: one was responsible for supervising the producers of fine leather goods and the tanners;[40] another was charged with determining the profit margin of the bakers, as well as establishing the weight of bread and the size of wine mugs.[41] The *symponoi* probably did not perform these duties personally, but assigned them to subordinates

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33 *BE* 1.4; see Stöckle, 'Zünfte', 93–4.

34 *symponos* Lampe 1289b: 'assessor, assistant of magistrate', *LBG*: 'Mitarbeiter ': I thank Carolina Cupane, Vienna, for kindly supplying this reference. See also *De cerimoniis* II 81 (ξζ'/νζ'), reproduced in p. 102, *Sources*, 9, and Theophanes Continuatus, VI 54, reproduced in p. 102, *Sources*, 10.

35 Taktikon Uspenskij (842/3) 59.22, 63.14, Philotheos (899) 113.9, 153.8. It does not seem necessary to me to distinguish between this *symponos* and that from the *BE*, as formulated by Stöckle, 'Zünfte', 92f. See also Christophilopoulos, 'Eparchikon Biblion', 44f.; Kolias and Chroni, *Το Επαρχικόν Βιβλίον*, 216.

36 Seals of *symponoi*: Laurent, *Corpus* II, 579–99 (Nr. 1049–87), I.G. Leontiades, *Μολυβδόβουλλα του Μουσείου Βυζαντινού Πολιτισμού Θεσσαλονίκης*, Βυζαντινά Κείμενα και Μελέται 40 (Thessalonike, 2006), 112–14 (Nr. 37, 11. Jh.); A-K. Wassiliou and W. Seibt, *Die byzantinischen Bleisiegel in Österreich, 2. Zentral- und Provinzialverwaltung* (Vienna, 2004), 101 (Nr. 76).

37 *Basilika* 6.1.63 and 71 (C I. 51.2 and 13), *Ecloge* 7.1.1.10. On this see Goutzioukostas, 'απονομή δικαιοσύνης', 105f. with n. 429.

38 See Oikonomidès, 'Listes' 320, n. 189; N. Oikonomides, *EHB* III 975.

39 *Basilika* passim, see esp. 19.10 rest, reproduced p. 102, *Sources*, 11. The testimony in the *Basilika* is at least partly obsolete. See also below, p. 93, under *bothroi*.

40 *BE* 14.2.

41 *BE* 18.1, 4, and 19.1; see Sjuzjumov, *Vizantijskaja kniga eparcha,* 238f.

whose particular tasks were supervising pricing in the markets of Constantinople. In this sense, they, or the *legatarioi*, should be equated with the *muhtasib* in cities under Arabo-Islamic rule.[42]

Legatarioi

One or more *legatarioi* were subordinated to each of the various holders of high offices.[43] *Legatarioi* were 'officials with police duties'.[44] In Constantinople, while they were installed by the eparch, the emperor was to be notified of their installation.[45] Chapter 20 of the *BE* deals with them. According to it, a *legatarios* registered all foreigners arriving in the city, that is, all *those coming from outside* (the City) (*exotikoi*),[46] Byzantines and non-Byzantines (*ethnikoi*).[47] The duration of their stay in the city was not to exceed three months;[48] cloth and garment merchants from Syria were quartered with their wares in separate, enclosed housing (*mitata*) where they conducted their business of buying and selling.[49] The *legatarios* in charge controlled the goods they imported and – at the end of their stay – the goods they intended to export.[50] The *legatarios* was also responsible for preventing the

[42] In Hellenistic and early Byzantine tradition, the *sahib al suq* (or later the *muhtasib*) acquired the function of the *agoranomos.* Following the laws set down in the Koran, the *muhtasib*, a subordinate of the *qadi*, oversaw the *hisba* ('bill, settlement, requital'); he was in charge of 'supervising the markets', a task first described in concrete terms in the *Ahkām al-sūq* ('market regulations'), which date to the middle of the ninth century. See C. Cahen and M. Talbi, 'Hisba', *EI*, Nouvelle Édition 3 (1971) 503–5. He also oversaw the maintenance of peace and order at the market, which primarily entailed ensuring the quality of goods and regulating masses and weights.

[43] Oikonomidès, 'Listes' 382a, 314 and 320; examples: P 115, 121, 161, 183; *De cerimoniis* 718.5 (*logothetes tou stratiotikou*), 719.16 and 738.17 (*chartularios tou bestiariou*), 738.10 (*tou arithmou*), 750.8 (*praipositos*). On the function of the *legatarios* indicated here, see Stöckle, 'Zünfte', 90–2; also Christophilopoulos, *Eparchikon Biblion* 45f.; Kolias and Chroni, *Το Επαρχικόν Βιβλίον*, 266.

[44] Thus *LBG* 921a; see Lampe 799a s.v. ληγατάριος. In law texts (*TLG*: Justinian's *Novellae*, *Ecloga*, *Eisagoge*, *Basilika*, *Procheiros Nomos*), a specific connection between *legatarios* and *kleronomos* is naturally found often; in our context, however, it is not directly relevant.

[45] Ὁ τῆς πόλεως ἔπαρχος προβαλλέσθω λεγατάριον ἐπιδεικνὺς αὐτὸν τῷ βασιλεῖ, *BE* 20.1 ['The City Prefect shall appoint a legatarios, whom he shall present to the Emperor', trs. Boak, 617].

[46] ἔξωθεν εἰσερχόμενοι, *BE* 2.6, 4.1, 6.5, 9.1, 15.3, 16.3, 20.1–2, 21.1, 8; ἐξωτικὰ πρόσωπα *BE* 6.9, 8.3, 7, 8, 17.2.

[47] *BE* 8.5, 7, see also ἔθνη *BE* 2.4, 4.1, 4, 9.6.; Sjuzjumov, *Vizantijskaja kniga eparcha,* 249–51, and J. Koder, 'Das Sigillion von 992 – eine 'außenpolitische' Urkunde?', *BSl* 52 (1991), 40–4.

[48] *BE* 20.2.

[49] *BE* 4.8, 5.2, 5, 6.5, 9.7.

[50] *BE* 20.2.

hiding of imported goods and for preventing any artificial inflation resulting from such concealed imports.[51] As the nature of these duties indicates, the *legatarios* was clearly subordinate to a *symponos*.

Boullotai

The *boullotai*, officials who 'affix a seal',[52] ranked in eleventh place, between the *nomikoi* and the *prostatai*, in the *axiomata* subordinate to the eparch.[53] Their position may have been accompanied by a high income, as can be inferred from a letter of John Tzetzes that mentions two *boullotai*, a father Theodoros and his son Georgios, both of whom were so wealthy that they possessed *codices* (and thus could lend them out).[54] While the *BE* records that the *boullotai* were active in checking silk producers and silk merchants,[55] it is likely they were also responsible for the accuracy of instruments used for measuring and weighing, or of a specified quantity of goods that had to be certified by a seal.[56] The *boullotai* were thus another link in a hierarchical chain: *basileus – eparchos – symponos – legatarios – boullotes*.

Mitotes

The *mitotes*, the 'inspector of (silk) thread',[57] is not mentioned outside the *BE* in other legal or administrative sources, and only once thus far in the *TLG*.[58] In *BE* 8.3 he is connected with the regulation of silk production: access to the looms could not be denied to him or to the *boullotes*. Based on his function and the way in which he is mentioned, it can be assumed that the *mitotes* and the *boullotes* were equal in rank.

Functionaries of the Corporations

The second group regulated by the eparch consisted of functionaries of the corporations. Corporation members nominated these functionaries to the eparch who then appointed them and entrusted them with controlling functions. They were probably not salaried by the eparch or by the treasury, but by the corporations

51 See *BE* 20.3, reproduced p. 102, *Sources*, 12.

52 Thus *LBG* 291a.

53 Τῷ δὲ ὑπάρχῳ τῆς πόλεως ὑποτέτακται εἴδη ἀξιωμάτων ιδ᾽ … βουλλωταὶ, P 113, *De cerimoniis* 711; Stöckle, 'Zünfte', 93.

54 Text reproduced as p. 102, *Sources*, 13.

55 *BE* 4.4, 6.4, 8.3, 9.

56 *BE* 11.9, 12.9, 13.2, 16.6, 19.4. See Oikonomidès, 'Listes' 321.

57 According to *LBG* 1032a; s. Stöckle, Zünfte 93.

58 A search of the *TLG* (under μητοτ, μητωτ, μιτοτ, μιτωτ) produced as the only other record *Suda*, Kappa 1418: κερωτή· μιτωτή; see also καιρωτή, ἡ in *LBG* 735a: 'Gewebe'.

or their members respectively, possibly through profit sharing. This group included the *prostatai*, the *exarchoi* and the *bothroi*.[59]

Prostatai (Prostateuontes)

The term *prostates* is generally used for a broad spectrum of functions associated with guardianship and leadership.[60] Its meaning in an ecclesiastical context is clearly that of an ethical and spiritual leader.[61] In the eparch's office the *prostatai* were twelfth in the ranking order. In the *BE*, *prostates* is the term most commonly used for the head of a corporation, and it was used in this way for the soap makers, leather cutters and fishmongers.[62] A related term, the participle *prostateuon*,[63] is found for the leather cutters, fishmongers and *bothroi*.[64] The *prostatai* were appointed by decision of the eparch.[65] Apparently pork dealers had more than one head or chief.[66] For the fishmongers, every fish 'vault ' in the so-called *Megistai*

59 Although to some degree they may be compared with the *bothroi*, the *tabullarioi*, which are treated in detail in the *BE*, were not market functionaries and their position is therefore not discussed here.

60 *LSJ* 1526b: 'leader, ruler, president", Lampe 1182b: 'patron, supporter, … protector, leader, chief, ruler"; Oikonomidès, 'Listes' 321; cf. also *Suda*, Pi 3001: πρύτανις· διοικητής, προστάτης, φύλαξ, βασιλεύς, ἄρχων, ταμίας, ἔξαρχος. ['prytanis: administrator, protector, guardian, ruler, king, treasurer, primate'.]

61 *TLG*: for example, the testament of Athanasios Athonites, ed. P. Meyer, *Die Haupturkunden für die Geschichte der Athosklöster* (Amsterdam, 1965) 125f.; esp. striking is a section of the *Basilika*, reproduced p. 103, *Sources*, 14, which cites the philosopher Chrysippos on the *nomos*.

62 *BE* 12.1, 14.1, 2, 17.1, 3, 4. S. Sjuzjumov, *Vizantijskaja kniga eparcha,* 211.230, 235, 245 and further; see generally Stöckle, Zünfte 78–86 (on terminology 78f.); see also Christophilopoulos, *Eparchikon Biblion* 46–49; Kolias and Chroni, *Το Επαρχικόν Βιβλίον*, 196.

63 *BE* 14.1, 17.1, 4, 21.9. In accordance with the generally broader spectrum of meaning for the participle, the *BE* also makes no distinction in meaning; the equation of meaning is reinforced by the fact that in *BE* 14 and 17 both terms are used for the same corporation head.

64 The term *protostates* is found only once in the *BE* (applied to pork dealers, *BE* 16.3) and should in this case probably be considered an author error. According to the *TLG*, the term is frequently found in military texts: *passim* in Maurikios, *Anonyma Tactica Byzantina*, Suda onomasticon tacticon; but cf. also ἄγγελος πρωτοστάτης in John of Damascus and Theodore Studites. Genesios 4.26. uses πρωτοστάτην once in context of the career of the later emperor Basil I who installed Michael as πρωτοστάτην … τῶν ἱπποκόμων; this reference, however, should likely be seen as the author's circumscription for πρωτοστράτωρ (similar to ibid. 1.4: τῶν ἱπποκόμων πρωτάρχῳ).

65 ἐπαρχικῇ βουλῇ, *BE* 14.2.

66 *BE* 16.3.

Kamarai had its own *prostates*.[67] For the other corporations in the *BE* only one *prostates* is documented.

Exarchoi

Exarchos is generally used for the chief or head of a group or for anyone in a leadership position (*arche*); the term is frequently used,[68] and may have developed a negative connotation[69] in middle- and late-Byzantine documents in the ecclesiastical sector. The term expresses the comprehensive exercise of power, in the name of a higher-ranking authority, over a defined group.[70] In the eparch's office certain *exarchoi* held the eighth rank.

In the *BE*, the term *exarchos* is used for two corporations of the silk trade: the *prandiopratai* ('band dealers')[71] and the *metaxopratai* ('silk dealers').[72] They were installed by the eparch as regulators and empowered by him.[73] From the *BE* it seems likely that the *exarchoi* were also, in the sense of the *prostatai*,[74] heads of both corporations, and probably of other silk-related corporations as well, although this is not directly stated.

Bothroi

The *bothroi*, officials in charge of the market in horses and draught animals, present a special case though the reason is not clear; it is also unclear why the word has the meaning of inspector of horses within the *BE*.[75] The *bothroi* had to fulfil a higher-

[67] *BE* 17.1.

[68] *LSJ* 588a, Lampe 493b: i. a. 'founder, leader, chief, viceroy, primate, senior", *LBG* s.v. ἐξάρχων: 'Führer, Anführer'. Carolina Cupane, Vienna, is kindly thanked for this reference. See *Suda*, Pi 3001: πρύτανις· διοικητής, προστάτης, φύλαξ, βασιλεύς, ἄρχων, ταμίας, ἔξαρχος, with Oikonomidès, 'Listes', 321.

[69] See p. 103, *Sources*, 15, *Basilika* 9.1.16, for an example.

[70] Examples from the *Basilika* can be seen in p. 103, *Sources*, 16–18. Examples from other texts can be seen in p. 103, *Sources*, 19–22.

[71] *LBG* 1364a: 'Bänderverkäufer', presumably referring to the embroidered bands stitched decoratively around garments.

[72] *BE* 5.3, 6.4.; Sjuzjumov, *Vizantijskaja kniga eparcha,* 157, 160f., 166; Stöckle, 'Zünfte', 78f., 84f; see also Christophilopoulos, *Eparchikon Biblion* 47f.; Kolias and Chroni, *Το Επαρχικόν Βιβλίον*, 110.

[73] See p. 103, *Sources*, 23, with *De cerimoniis* 717.

[74] If this is true, then it is conceivable that the other corporations engaged in the production and trade of silk were also headed by the *exarchoi* since the *prostatai* named above are cited only in the context of other corporations.

[75] *LSJ* 320b: 'hole, trench, pit, ' similarly Lampe 301a, and Byzantine lexica such as Hesychios B 777: βόθρος· ὄρυγμα γῆς (Sirac. 21,10); Etymologicum Genuinum B 166 and Et. Magnum Kallierges 204 containing the cryptic addendum δῆλον τὸ σημαινόμενον; H. Kahane and R. Kahane, Abendland und Byzanz/Literatur und Sprache/Sprache, RB

than-average amount of official duties. Characteristically, their number, like that of the notaries, was limited,[76] a fact that indicates a strong control by the bureau of the eparch, though they were headed not by an *exarchos* but by a *prostates*.

The *bothroi* were official experts for working animals, pack animals and riding animals.[77] They were responsible for arbitrating trade disputes and for inspecting and appraising animals intended for sale; after which, in the case of sale, they received from the buyer and the seller one *keration* each.[78] Further, they were charged with recovering stolen animals.[79] They were principally forbidden from trading, but as an exception they were permitted to buy any remaining animals[80] or to take these animals in commission for a rate of six *folleis* per *nomisma* (6/288 = 2.1%).[81] Generally, some of the activities of the *bothroi* were comparable with those of the *agoranomos* in the *Basilika*.[82]

A Privileged Class: The *Archontes*

In the middle Byzantine period the term *archon* may be defined in very general terms as 'a person, often a wealthy official, who possesses power and has a high reputation'.[83] The *archontes* mentioned in the *BE* stood outside the two groups previously discussed. The *archontes* neither occupied a function specific to the marketplace, nor did they exercise a defined profession. They generally belonged

Reallexikon der Byzantinistik A I 4–6 (1970–6), 393 (Nr.98), 456, 517f., do not add to our understanding. The meaning corresponding to that in the *BE* (*LBG* 284a: 'Sachverständiger für Vieh') is supported by the family name of Γεώργιος ὁ Βόθρος, *paroikos* in Xylurgion, a. 1301 (Actes Iviron III 70, 383f., Praktikon des Demetrios Apelmenes). S. Sjuzjumov, *Vizantijskaja kniga eparcha,* 251–6, and J. Koder, 'Wer andern eine Grube gräbt ...“Die Bezeichnung' Wer andern eine Grube gräbt ... 'Die Bezeichnung *bothros'* im *Eparchikon Biblion*, in G. Prinzing and D. Simon, eds, Fest und Alltag in Byzanz (Munich, 1990), 71–6 and 194–7; see also Christophilopoulos, *Eparchikon Biblion* 89–91; Kolias and Chroni, *Το Επαρχικόν Βιβλίον*, 274f.

76 *BE* 21.7; the number is not known.

77 But they were not responsible for sheep and pigs, which are treated separately in the *BE* under titles 15 and 16.

78 Such as is portrayed in p. 104, *Sources*, 24.

79 See p. 104, *Sources*, 25.

80 Prohibition given in p. 104, *Sources*, 24.

81 See p. 104, *Sources*, 26.

82 *BE* 19.10. An indication in Tipoukeitos is relevant: 19.10.27 (Tipoukeitos ... libros XIII–XXIII ed. F. Dölger, StT 51, Rom 1929, 132f.), which is to be assigned to this passage in the *Basilika*, refers explicitly to the *bothroi* title of the *BE* and cites (almost) verbatim, p. 104, *Sources*, 27–8. For the *agoranomos* see above, under *symponos.*

83 *LSJ* 254a: 'ruler, commander, chief, governor, magistrate, official”, Lampe 241b: 'ruler, governor, angelic power, *LBG* 211b: 'hoher Amtsträger, Leiter'; see *ODB*, 160, s.v. *archon*.

to a high social class, mostly high-ranking civil and military officials. They enjoyed considerable privileges that are only partially documented in the sources.[84]

The *BE* cites explicitly the *archontes*' privilege of a pre-emptive purchase option for 'articles of clothing from Syria' and for 'perfumes or dyestuffs'. Of these goods, the *archontes* may buy 'just so much as they can consume in their own homes'.[85] The *BE* also discusses the *archontes* in the context of a prohibition of unlawful practices in connection with their privileges.[86] Specific decrees prescribe a ban on the *archontes* and on private individuals[87] producing clothes made of particularly finely woven silk,[88] and further, the obligation to inform the eparch when garment merchants and others attempted to purchase from *archontes* 'garments valued at more than ten nomismata',[89] without doubt a price level of the upper class. It is difficult to understand the social background that prompted the regulation of pork dealers who were prohibited from 'concealing pigs in the house of an *archon* and selling them secretly',[90] though the practical context seems clear and realistic.

The Presence of the Eparch at the Market in Constantinople

If we follow the text of the *BE*, it seems that the eparch indeed[91] had absolute power of control. This is also the case for officials whom the *BE* designates as the eparch's subordinates and for officers of the corporations who act in the eparch's name, to the extent that they were authorised by him to do so.[92] They could also

84 See Oikonomidès, 'Listes', 368b, for differentiations for the period of the *BE*, and K. Kornarakes, 'Τί ἐστιν ἔργον ἄρχοντος; Ἐπισημάνσεις διαχρονικῆς ἀξίας ἀπὸ τὸν Φώτιο περὶ τῶν ὄρων καὶ προϋποθέσεων τοῦ ἄρχειν, στήν ἐπιστολή του πρὸς τὸν ἡγεμόνα τῆς Βουλγαρίας Μιχαήλ-Βόριδα', *Ekklesia* 14 (2007), 119–28.

85 p. 105, *Sources*, 29.

86 This is also indirectly applicable when in the *BE* (1.20) a notary is protected by law, when traditionally acting in 'the house of a pious foundation or of an official, a monastery or a home for the aged, p. 105, *Sources*, 30. See Sjuzjumov, *Vizantijskaja kniga eparcha,* 107, 124.

87 p. 105, *Sources*, 31.

88 p. 105, *Sources*, 32.

89 p. 105, *Sources*, 33. In *BE* 6.10, silk dealers (μεταξοπράται) are prohibited from purchasing silk in their own name for a powerful or rich person (δυνατῷ τινι ἢ πλουσίῳ), two social categories that should probably be associated with the *archontes*. See Sjuzjumov, *Vizantijskaja kniga eparcha,* 182.

90 p. 105, *Sources*, 34; see Sjuzjumov, *Vizantijskaja kniga eparcha,* 231–3, 238. For an attempt at explanation see Kolias and Chroni, *Το Επαρχικόν Βιβλίον*, 233.

91 See *Eisagoge* 4.11 (p. 100, *Sources*, 6).

92 See above: *symponos*, *legatarios*, *bullotes, mitotes, prostates*, *exarchos* and *bothros*; cf. also *De cerimoniis* 717 and P 113.

be held accountable by the eparch if they abused their power in any way.[93] In the *BE one* exception is provided when, because of imperial necessity, the *protostrator* is granted the possibility of using the services of the *lorotomoi* ('leather workers').[94]

The *Eisagoge* (corresponding to the *Basilika*) confirms the power of the eparch, not only for the general stipulations already discussed[95] but also for two concrete subjects that are to be seen in connection with the *BE*, namely:

> 1. The regulation of the *trapezitai* (bankers) and the *argyropratai* (jewellers). In both cases, a summary mention in the *Eisagoge* corresponds to individual, separate clauses in the *BE*[96] containing detailed regulations, which address in concrete terms the correctness of monetary exchange for the *trapezitai* and the liability of the *argyropratai* to the eparch.[97]
> 2. The stipulation that the eparch is to quell price rigging by the meat sellers.[98] This corresponds to instructions in the *BE* which forbid pork dealers from 'concealing pigs in the house of a noble and selling them secretly',[99] and which state that butchers 'shall not have the right to buy pigs and keep their meat in storage'.[100] Butchers are allowed to store only sheep, and possibly goats, and they are not allowed:

[93] For example, in the sense of the oath of office, the text of which emperor Justinian prescribed in the appendix of *Novella* 8 (a. 535) and which was introduced into the *Basilika* (6.3.50), reproduced here as p. 105, *Sources*, 35.

[94] *BE* 14.1 specifies that, after the consent of the emperor has been established, the *lorotomoi* 'if required by the imperial services ' (ἐν οἷς δὲ χρεία εἴη ἐν ταῖς βασιλικαῖς ὑπηρεσίαις) should be subordinated to the *protostrator* (for which see Stöckle, 'Zünfte', 14 and 94). However, other militarily significant corporations probably had similar performance requirements, indirectly confirmed by the stipulation that excluded bakers were excluded, see p. 106, *Sources*, 36. Subordinated to the *protostrator* were the *stratores, armophylakes* and *stablokometes* (*De cerimoniis* 719); In the Taktika, the *protostrator* ranked after the *chartularios tou kanikleiou* and before the *protasekretis* (U 53.14, P 103.13, B 249.27, S 271.12), that is, after the eparch, whereby the *stratores*, the *harmophylakes* and the *staulokometes* were ranked after him (P 121.29–32), see Sjuzjumov, *Vizantijskaja kniga eparcha*, 221, Oikonomidès, 'Listes', 337f., and Laurent, *Corpus* II 496f. (Nr. 931).

[95] See above p. 87.

[96] *Eisagoge* 4.10, *BE* 2 Περὶ ἀργυροπρατῶν and *Eisagoge* 4.6, *BE* 3 Περὶ τραπεζιτῶν respectively.

[97] The regulations which forbid the manipulations of coins are repeated in *Eisagoge* 40.17, p. 106, *Sources*, 37, and *Eisagoge* 52.11, and later in the *Procheiros Nomos* 39.14 (cf. also *Procheiron auctum* 39.25).

[98] *Eisagoge* 4. 8.

[99] p. 106, *Sources*, 38.

[100] p. 106, *Sources*, 39.

> to meet the drovers who bring in their flocks for sale, either in Nikomedia or in the City, but only beyond the Sangarios, in order that the meat be purchased more cheaply.[101]

On the other hand, the *Eisagoge* contains special regulations for slaves and for freed former slaves that find no correlation in the *BE*. While the *Eisagoge* discusses traditional problems associated with the emancipation of slaves (*douloi*) and the conduct of freed slaves (*apeleutheroi*),[102] the *BE* takes slaves and 'free men' (*eleutheroi*, probably here in the sense of 'freedmen', that is, former slaves?) as a given: they appear to be integrated into the daily life of trade and the market to such a degree that their status required regulation only in certain special cases. For instance, the *BE* treats slaves working as *argyropratai* (jewellers),[103] *bestiopratai* (garment merchants),[104] *serikarioi* (silk manufacturers)[105] and *saponopratai* (soap makers)[106] in the same manner as free men; nevertheless slaves were subject to different rules when starting work in a trade or when being penalised. Bankers, however, were not permitted to be represented by their *douloi* in business transactions; this may indicate that *douloi* were not permitted to pursue this trade.[107] The coincidence that such stipulations are given only for certain trades can be explained in general as follows: either there were some trades in which slaves were not active; or similar stipulations existed for other corporations whose members did not, however, require a written form of directives.

Conclusions

We can offer the following as a brief, and preliminary, summary: it is indeed up to a certain point true, as Gilbert Dagron puts it, that in premodern civilisations 'the economy is closely embedded in social relations and has not yet acquired its proper rationality or autonomy'.[108] During the rule of the Macedonian dynasty, and even earlier, the accuracy of this statement can be seen in and is confirmed by many stipulations of the *BE*, as well as those of the *Eisagoge* and the *Basilika*. These show that the authority of the eparch and of officials subordinate to him to act in the name of the emperor was largely real, all the more so as the medieval *eparchos tes poleos* was nearer to the emperor than the *praefectus urbi* in ancient

[101] p. 106, *Sources*, 40.
[102] *Eisagoge* 4.2 and 7.
[103] p. 106, *Sources*, 41.
[104] p. 107, *Sources*, 42.
[105] p. 107, *Sources*, 43.
[106] p. 107, *Sources*, 44.
[107] p. 108, *Sources*, 45.
[108] G. Dagron, *EHB* II, 396, relying on Karl Polanyi and his school.

Rome. Nevertheless, the regulations contained in the *Eisagoge*[109] and in the *BE* demonstrate the *limits* of this authority.[110] These statutorily prescribed limits and, moreover, the regulatory inconsistencies found in the *BE*, which give the impression of being coincidental and arbitrary, indicate a strong creative will on the part of the producers and merchants who made up the corporations. These parties seem to have created or maintained areas of freedom for their activities that – to a certain degree – afforded a market-oriented economy. As Laiou and Morrisson put it:

> The state played a role whose importance and weight varied … But it was never the sole economic actor … Market forces always operated, with greater or lesser impact.[111]

List of Extracts from Main Sources, with Translations

1. *Basilika* 6.4.13 (*Codex* 1.28.4), cf. *Codex Theodos.* 1.6.1, 10, *Digest* 1.11, 12.
Πάντα τὰ ἐν Κωνσταντινουπόλει σωματεῖα καὶ οἱ πολῖται καὶ οἱ ἀπὸ τοῦ δήμου πάντες τῷ ἐπάρχῳ τῆς πόλεως ὑποκείσθωσαν (trs. author).

2. Theophanes Continuatus VI 10, ed. I Bekker, *Corpus Scriptorum Historiae Byzantinii* (Bonn, 1838), 444.
… τὸν τηνικαῦτα μυστικὸν καὶ καθηγητὴν τῶν φιλοσόφων, λόγῳ καὶ ἔργῳ ἀξιέπαινον, ὡς μὴ ἕτερον τῆς γνώσεως καὶ σοφίας του ἀνδρὸς εἶναί τινα τῆς συγκλήτου· καὶ οὕτως τὴν ἐπαρχίαν εὐνομίᾳ καὶ δικαιοσύνῃ διέπρεψεν (trs. author).

3. Theophanes Continuatus VI 43, ed. Bekker, 461.
… ἔπαρχον καὶ πατέρα πόλεως προχειρίζεται, ἄνδρα ἱκανὸν καὶ λόγιον, πρὸς τοὺς νόμους πολυπειρίαν καὶ εὐφυΐαν ἔχοντα (trs. author).

4. P (*Taktikon Philotheou*) 113; *De cerimoniis* 717.
Τῷ δὲ ὑπάρχῳ τῆς Πόλεως ὑποτέτακται εἴδη ἀξιωμάτων ιδ᾽, οἷον *σύμπονος*, λογοθέτης τοῦ πραιτωρίου, κριταὶ τῶν ῥεγεώνων, ἐπισκεπτῖται, πρωτοκαγκελλάριοι, κεντυρίων, ἐπόπται, *ἔξαρχοι*, γειτονιάρχαι, νομικοί, *βουλλωταί*, *προστάται*, καγκελλάριοι, ὁ παραθαλασσίτης (trs. author).

[109] However, they were only in effect from 886 to 907; after 907 the *Procheiros Nomos*, to which the *encheiridios nomos* mentioned in *BE* 1.2 probably refers, superseded them. See A. Schminck, *Studien zu mittelbyzantinischen Rechtsbüchern* Forschungen zur byzantinischen Rechtsgeschichte 13 (Frankfurt am Main, 1986), 62.

[110] See also Ch. M. Brand, 'Did Byzantium have a free market? ' *Byz. Forsch.* 26 (2000), 63–72, who discusses examples which suggest the existence of elements of a free market in the eleventh and twelfth centuries.

[111] A.E. Laiou and C. Morrisson, *The Byzantine Economy* (Cambridge, 2007), 231.

5. *Basilika* 6.4.2 (*Digest* 1.12.1 and 3)

Ὁ τῆς πόλεως ἔπαρχος πάντα ζητεῖ τὰ ἐγκλήματα τὰ ἐν τῇ πόλει καὶ τὰ ἐν Ἰταλίᾳ γινόμενα. Ἀκροᾶται καὶ τῶν προσφευγόντων δούλων καὶ τῶν λεγόντων ἰδίοις ἀγορασθῆναι νούμμοις ἐπὶ τῷ ἐλευθερωθῆναι, παραβαίνειν δὲ τὸν δεσπότην ἤτοι τὸν ἀγοραστήν· καὶ τούτων ὑπακούει τοῦτο αὐτὸ ἐπιμεμφομένων τοῖς δεσπόταις ἤτοι τοῖς ἀγορασταῖς· καὶ τῶν πατρώνων, μάλιστα τῶν ἀπόρων ἐπιζητούντων ἀποτραφῆναι παρὰ τῶν ἀπελευθέρων. Καὶ ἐξορίζει καὶ περιορίζει τοὺς ἁμαρτάνοντας, τοῦ βασιλέως τὴν νῆσον ὁρίζοντος. Ζητεῖ καὶ τὰ ἐντὸς ἑκατὸν μιλίων ἔξω τῆς πόλεως πλημμελούμενα, οὐ μὴν τὰ πορρωτέρω. Καὶ παρ᾽ αὐτῷ κατηγορεῖται δοῦλος παρὰ τοῦ ἰδίου δεσπότου ἐπὶ μοιχείᾳ τῆς ἰδίας γαμετῆς. Κινεῖται παρ᾽ αὐτῷ καὶ τὸ περὶ βίας. Παραπέμπονται αὐτῷ οἱ κακῶς διαγινόμενοι κηδεμόνες καὶ μείζονος ἐπεξελεύσεως χρῄζοντες, καὶ οἱ δεδωκότες χρήματα ἐπὶ τῷ ἐπιτροπεῦσαι ἢ λαβόντες εἰς τὸ ἐμποδίσαι γενέσθαι ἐπιτηδείους, καὶ οἱ ἐπίτηδες ἥττονος ἀπογραψάμενοι τὰ τοῦ νέου πράγματα ἢ φανερῶς κατὰ δόλον ἐκποιήσαντες.

Ἔνθα δὲ ἀκροᾶται τοῦ δούλου κατὰ δεσπότου, οὐκ ὀφείλει δέχεσθαι αὐτὸν κατηγοροῦντα (τοῦτο γὰρ εἰ μὴ ἀπὸ δήλων αἰτιῶν οὐκ ἐφεῖται τοῖς δούλοις), ἀλλ᾽ ἐὰν εὐλαβῶς προσέρχωνται προβαλλόμενοι τραχύτητα τοῦ δεσπότου, ἢ λιμόν, ἢ ὅτι πρὸς αἰσχρότητα συνωθεῖ αὐτούς.

Φροντίζει τοῦ μὴ προστῆναι ἀνδράποδα, καὶ τοῦ πιστῶς συναλλάσσειν τοὺς τραπεζίτας καὶ ἀπέχεσθαι τῶν κεκωλυμένων. Σωφρονίζει δὲ καὶ τοὺς ἀπελευθέρους καταφρονοῦντας ἢ ὑβρίζοντας τοὺς πάτρωνας ἢ τὰς γαμετὰς ἢ τοὺς παῖδας αὐτῶν, ἀπειλῶν ἢ μαστίζων ἢ ἄλλως πρὸς τὸ ἁμάρτημα ἐπεξιών. Εἰ δὲ καταμηνύσουσιν αὐτοὺς ἢ τοῖς ἐχθροῖς αὐτῶν συμπνεύσουσι, μεταλλίζονται.

Φροντίζει καὶ τοῦ δικαίοις τιμήμασι τὸ κρέας πιπράσκεσθαι, καὶ τῆς εἰρήνης καὶ τῆς τῶν θεωριῶν καταστάσεως, καὶ ἔχει στρατιώτας ἐπὶ τῇ εἰρήνῃ καὶ ἐπὶ τῷ ἀναφέρειν αὐτῷ τὰ πανταχοῦ κινούμενα. Δύναται ἀπαγορεύειν τινὶ τῆς πόλεως καὶ μέρους αὐτῆς καὶ πραγματείας τινὸς καὶ θέας καὶ ἐπιτηδεύσεως καὶ συνηγορήσεως καὶ φόρου ἤτοι ἀγορᾶς καὶ προσκαίρως καὶ διηνεκῶς. ... Παρ᾽ αὐτῷ κατηγοροῦνται καὶ οἱ ἀθέμιτα ποιοῦντες συστήματα.

The Prefect of the City has jurisdiction of all offences, not only those committed within the City, but also which are committed in Italy. He must hear the complaints of the slaves who have fled for refuge and claim to have been purchased by their own money in order to be manumitted, this having been transgressed by the master or the buyer. He must hear them, when they accuse their masters or buyers, but also the patrons, especially the needy ones, if their freedmen wish to be supported by them.

And he has authority to relegate and deport the criminals to an island designated by the emperor. He prosecutes any offence committed within a hundred miles out of the City, but not beyond that distance. And before him a slave is tried, in case that his master accuses him of having committed adultery with his wife. Also the cases of rape are to be brought before him. Before him are brought curators who administered fraudulently and deserve a more severe punishment, and those who had given money for their guardianship or have taken money to prevent suitable persons, and those who purposely diminished the property of the ward or evidently alienated it in a fraudulent manner. In case he hears the complaints of a slave against his master, he should not accept that he can accuse him (for slaves are never allowed to do this, unless for clear reasons), but he may humbly apply to him if

his master treats him with cruelty, or starves him, or forces him to endure indecent attacks. He should take care that money brokers do not appoint slaves and that they change the money honestly and refrain from illegal acts. He will punish the freedmen who treat disrespectfully or insult their patrons or their wives or children, either by warning them, or by having them scourged, or by inflicting another penalty according to the crime. If they brought a criminal accusation against him, or have conspired against him with his enemy, they shall be sent to the mines. He supervises the sale of meat at a reasonable price, and the public peace and the order at exhibitions, and he has soldiers for maintaining the peace, and to report to him whatever takes place anywhere. He may forbid any person in the City or in a part of it trade, spectacles, activities and advocacy in the Forum, namely the market, for a limited or an unlimited time … and if he exiles a person, he may force him also not to leave his home town … And before him also the guilds are tried, when they are acting wrongly (trs. author).

6. *Eisagoge* 4.1–11

Περὶ τάξεως ἐπάρχου πόλεως

1. Ὁ τῆς πόλεως ἔπαρχος πάντα ζητεῖ τὰ ἐγκλήματα καὶ τὰ ἐν τῇ πόλει γινόμενα ἀκροᾶται.
2. Ὁ τῆς πόλεως ἔπαρχος τῶν προσφευγόντων δούλων καὶ τῶν λεγόντων ἰδίοις ἀγορασθῆναι νούμμοις ἐπὶ τῷ ἐλευθερωθῆναι ἀκροᾶται, καὶ τῶν πατρώνων μάλιστα τῶν ἀπόρων ἐπιζητούντων ἀποτραφῆναι παρὰ τῶν ἀπελευθέρων.
3. Ὁ τῆς πόλεως ἔπαρχος καὶ ἐξορίζει καὶ περιορίζει, τοῦ βασιλέως τὴν νῆσον ὁρίζοντος.
4. Ὁ τῆς πόλεως ἔπαρχος ζητεῖ καὶ τὰ ἐντὸς ἑκατὸν μιλίων τῆς πόλεως πλημμελούμενα, οὐ μὴν τὰ πορρωτέρω.
5. Παρὰ τῷ τῆς πόλεως ἐπάρχῳ παραπέμπονται καὶ οἱ κακῶς γινόμενοι κηδεμόνες καὶ μείζονος ὑπεξελεύσεως χρῄζοντες, καὶ οἱ δεδωκότες χρήματα ἐπὶ τῷ ἐπιτροπεῦσαι ἢ λαβόντες εἰς τὸ ἐμποδίσαι γενέσθαι ἐπιτηδείους, καὶ οἱ ἐπίτηδες ἡττόνως ἀπογραψάμενοι τὰ τοῦ νέου πράγματα ἢ φανερῶς κατὰ δόλον ἐκποιήσαντες.
6. Ὁ τῆς πόλεως ἔπαρχος φροντίζει τοῦ μὴ προστῆναι ἐπὶ πορνείᾳ δημοσίᾳ ἀνδράποδα, καὶ τοῦ πιστῶς συναλλάσσειν τοὺς τραπεζίτας καὶ ἀπέχεσθαι τῶν κεκωλυμένων.
7. Ὁ τῆς πόλεως ἔπαρχος σωφρονίζει καὶ τοὺς ἀπελευθέρους καταφρονοῦντας ἢ ὑβρίζοντας τοὺς πάτρωνας ἢ τὰς γαμετὰς ἢ τοὺς παῖδας αὐτῶν, ἀπειλῶν καὶ μαστίζων ἢ ἄλλως πρὸς τὸ ἁμάρτημα ἐπεξιών. εἰ δὲ συκοφαντήσωσιν αὐτοὺς ἢ τοῖς ἐχθροῖς αὐτῶν συμπνεύσωσι, τυπτόμενοι καὶ κουρευόμενοι καὶ ἀναδουλούμενοι ἀποδίδονται τοῖς συκοφαντηθεῖσιν.
8. Ὁ τῆς πόλεως ἔπαρχος φροντίζει καὶ τοῦ δικαίοις τιμήμασι τὸ κρέας πιπράσκεσθαι, καὶ τῆς εἰρήνης, καὶ τῆς τῶν θεωριῶν καταστάσεως, καὶ ἔχει στρατιώτας ἐπὶ τῇ εἰρήνῃ καὶ ἐπὶ τὸ ἀναφέρειν αὐτῷ τὰ πανταχοῦ κινούμενα. Δύναται ἀπαγορεύειν τινὶ τῆς πόλεως καὶ μέρους αὐτῆς καὶ πραγματείας τινὸς καὶ θέας καὶ ἐπιτηδεύσεως καὶ συνηγορήσεως καὶ φόρου ἤτοι ἀγορᾶς καὶ προσκαίρως καὶ διηνεκῶς.
9. Ὁ τῆς πόλεως ἔπαρχος δύναται ἀπαγορεύειν τινὶ τῆς πόλεως καὶ μέρους αὐτῆς, καὶ πραγματείας καὶ θέας καὶ ἐπιτηδεύσεως καὶ συνηγορίας φόρου καὶ προσκαίρως καὶ διηνεκῶς, καὶ ἐὰν ἐξορίσῃ τινά, εἴργειν αὐτὸν ὀφείλει καὶ τῆς ἰδίας πατρίδος μὴ ἐξιστᾶν.

10. Παρὰ τῷ ἐπάρχῳ τῆς πόλεως οἱ ἀργυροπράται καὶ χρηματικῶς ἐνάγουσι καὶ ἐνάγονται.
11. Ὁ τῆς πόλεως ἔπαρχος ἐν τῇ πόλει μείζων πάντων ἐστὶ μετὰ τὸν βασιλέα, ἐξελθὼν δὲ τοὺς ὅρους τῆς πόλεως ἐξουσίαν οὐκ ἔχει, πλὴν τοῦ κελεύειν καὶ δικάζειν. /

About the order for the Prefect of the City:

1. The Prefect of the City prosecutes all offences and hears all that is committed in the City.
2. The Prefect of the City hears the complaints of the slaves who have fled for refuge and claim to have been purchased by their own money in order to be manumitted, but also the patrons, especially the needy ones, if their freedmen wish to be supported by them.
3. The Prefect of the City relegates and deports the criminals to an island designated by the emperor.
4. The Prefect of the City prosecutes also offences committed within a hundred miles out of the City, but not beyond that distance.
5. Before the Prefect of the City are brought curators who administered fraudulently and deserve a more severe punishment, and those who had given money for their guardianship or have taken money to prevent suitable persons, and those who purposely diminished the property of the ward or evidently alienated it in a fraudulent manner.
6. The Prefect of the City takes care that slaves are not exposed to public prostitution and that moneybrokers change the money honestly and refrain from illegal acts.
7. The Prefect of the City punishes the freedmen who treat disrespectfully or insult their patrons or their wives or children, either by warning them, or by having them scourged, or by inflicting another penalty according to the crime. If they brought a criminal accusation against them, or have conspired against them with their enemies, they shall be whipped and sheared and given as slaves again to those who were calumniated by them.
8. The Prefect of the City supervises the sale of meat at a reasonable price, and the public peace and the order at exhibitions, and he has soldiers for maintaining the peace, and to report to him whatever takes place anywhere.
9. The Prefect of the City may forbid any person in the city or in a part of it trade, spectacles, activities and advocacy in the Forum, for a limited or an unlimited time; and if he exiles a person, he may force him also not to leave his home town.
10. Before the Prefect of the City the jewellers sue and are sued in material cases.
11. The Prefect of the City is the highest ranking of all, after the emperor. But if he leaves the borders of the city, he has no power, except to order and to judge (trs. author).

7. Constantine Porphyrogennitos, *De cerimoniis* 497f.

ὅταν ἀπὸ ἐξπεδίτου ἢ μακρᾶς ὁδοιπορίας ἐπανέρχεται, ... δομέστικοι προτίκτωρες, αἱ ἑπτὰ σχολαὶ καὶ μετ᾽ αὐτοὺς τριβοῦνοι καὶ κόμητες, πάντες μετὰ λευκῶν χλανιδίων καὶ κηρῶν δεξιὰ καὶ ἀριστερὰ ἱστάμενοι, καὶ μετ᾽ αὐτοὺς μαγιστριανοὶ, φαβρικήσιοι, τάξις τῶν ἐπάρχων καὶ τοῦ ἐπάρχου, ἀργυροπρᾶται καὶ πάντες πραγματευταὶ, καὶ πᾶν σύστημα. /When the emperor returns from a military expedition or a long journey, (he should be received by the) … palace guards, the seven *scholae palatinae* and after them the tribuns and *comites*, all in white dress and with candles, standing to the right and to the left, and after them officials of the *magister officiorum*, the armourers, the order of the eparchs and the Eparch [of Constantinople], the jewellers and all traders and every guild (trs. author).

8. Kekaumenos, *Strategikon* c.7–10, ed. B. Wassiliewsky and V. Jernstedt, *Cecaumeni Stategicon et incerti scriptoris De officiis regiis libellus* (St Petersburg, 1896), 4–5.
Πρόσεχε οὖν καὶ ἔχε ἀκρίβειαν εἰς τὰ τῆς πόλεως πράγματα ὑπερβάλλουσαν, ἵνα μηδέν σε λανθάνει, ἀλλ᾽ ἔχε κατασκόπους παντῇ καὶ πανταχοῦ εἰς πάντα τὰ συστήματα (trs. author).

9. *De cerimoniis* II 81 (ξζ'/νζ')
Ὅσα δεῖ παραφυλάττειν ἐπὶ προαγωγῇ συμπόνων καὶ λογοθετῶν· ... ὁ πραιπόσιτος ἀναγάγει τοῖς δεσπόταις, καὶ παραλαμβάνει παρὰ τῶν δεσποτῶν τὸν ὀφείλοντα προβληθῆναι σύμπονον. Καὶ ἐξέρχεται ὁ πραιπόσιτος ὀψικευόμενος ὑπὸ κουβικουλαρίων καὶ σιλεντιαρίων, καὶ ζητοῦσιν τὸν ὕπαρχον ἐν τῷ ἡμικυκλίῳ τῶν Σκύλων, καὶ παραδιδοῦσιν αὐτῷ σύμπονον ... / What has to be observed in the case of the investiture of assessors and logothetes: … The *praepositus* reports to the sovereigns and receives from the sovereigns the person to be promoted as assessor. And the *praepositus* leaves, accompanied by the *cubicularii* and *silentiarii*, and they visit the eparch in the semicircle of Skyla and subordinate the assessor to him … (trs. author).

10. Theophanes Continuatus 470
… ἀλλὰ καὶ συμπόνους τῷ ἐπάρχῳ ὁ αὐτοκράτωρ δέδωκε … /… but the emperor also assigned assessors to the eparch … (trs. author).

11. *Digest* 21.1.1
Περὶ ἀγορανόμου παραγγελίας καὶ περὶ ἀναδοτέου πράγματος καὶ περὶ ἀναλύσεως πράσεως καὶ ἥττονος τιμῆς διδομένης. / About the precepts for the market inspector and about return goods and about the cancellation of a sale and the reduction of the paid price (trs. author).

12. *BE* 20.3
Ὀφείλει ὁ λεγατάριος, ἐπειδὰν ἐφεύροι τινὰς ἀποθησαυρίζοντας τὰ εἰσερχόμενα εἴδη εἰς καιρὸν ἐνδείας καὶ καταπραγματευομένους τοῦ κοινοῦ, ἐμφανίζειν αὐτοὺς τῷ ἐπάρχῳ, ὡς ἂν τυπτόμενοι καὶ κουρευόμενοι τὰ ἀποτεθέντα εἰσκομίζωνται. / It shall be the duty of the *legatarios* to denounce to the Prefect any persons whom he may find hoarding the imported goods for a time of scarcity and conducting their business to the public

detriment, so that they may be flogged and shorn, and suffer the confiscation of their hoardings (trs. Boak, 617).

13. John Tzetzes, Letter 58 (ed. P.L.M. Leone, 1972)
… ὡς δὲ ἤκουσα τούτου ἀναγινώσκοντος εἶπον· κύριε Βασίλειε, οὔκ εἰσι ταῦτα τοῦ Δεξίππου τὰ Σκυθικά; καὶ τούτου εἰπόντος μοι ναί εἶπον ἐγώ· καὶ τίς σοι ἔδωκε ταῦτα; ὁ δὲ εἶπέ μοι· ὁ βουλλωτής. δύο δέ εἰσι βουλλωταί, πατὴρ Θεόδωρος τὴν κλῆσιν καὶ υἱὸς Κωνσταντῖνος διάκονος· ὅν υἱὸν μᾶλλον ἐδόκησα εἶναι τὸν δόντα. / … and when I heard him reading, I asked him: 'Master Basil, aren't these the *Skythika* from Dexippos?' And he told me: 'Yes'. And I said: 'And who gave them to you?' And he answered me: 'The inspector of seals'. – But there are two inspectors of seals, a father named Theodore and a son, the deacon Constantine; I believe that probably this son was the giver (trs. author).

14. *Basilika* 2.1.14.1 (citing the philosopher Chrysippos)
(τὸν νόμον) ... προστάτην εἶναι τῶν καλῶν καὶ τῶν αἰσχρῶν καὶ ἄρχοντα καὶ ἡγεμόνα, καὶ κατὰ τοῦτο κανόνα εἶναι δικαίων τε καὶ ἀδίκων … / (The law is) … guardian of good and evil, it is ruler and leader, and in this respect guiding principle of what is lawful and unlawful …(trs. author).

15. *Basilika* 9.1.16 (*Digest* 49.1.16).
… τοὺς ἐπισήμους λῃστὰς ἢ τοὺς ἐρεθιστὰς τῶν στασιαστῶν ἢ τοὺς ἐξάρχους τῶν φατριῶν … / … the well known robbers or the agents provocateurs of rebels or the leaders of factions … (trs. author).

16. *Basilika* 1.1.37 (*Codex* 1.9.9)
… Ἰουδαῖοι καὶ οἱ τούτων ἔξαρχοι … /… the Jews and their leaders … (trs. author).

17. *Basilika* 11.1.5.1
… οἱ τῶν στρατοπέδων ἔξαρχοι … /… the commanders of the field armies … (trs. author).

18. *Basilika* 4.1.21
… ὁ δὲ τῶν μοναστηρίων ἔξαρχος … /… the primate of the monasteries … (trs. author).

19. *Encomium* of SS. Isakos and Dalmatos by Michael the Monk (*BHG* 956d, ed. P. Hatlie, in L. Pieralli and V. Ruggieri. eds, *EYKOSMIA. Studi miscellanei per il 75 di Vincenzo Poggi S.J.* (Soveria Mannelli (Catanzaro) 2003), 277–93, c.… ὁ ἔξαρχος τῶν τῆς βασιλευούσης εὐαγῶν φροντιστηρίων … /… the primate of the pious foundations in the imperial city … (trs. author).

20. Theophanes, Chron. 275.29
… ὁ ἔξαρχος τῶν Σκλαυινῶν … /… the commander of the Sklavinoi … (trs. author).

21. Georgios Monachos, *Chron. Breve*, ed. J.P. Migne *Patrologia Graeca* 110.1093A
… *ὁ Λογγιβαρδίας ἔξαρχος* … / … the commander of Longibardia … (trs. author).
22. Digenes Akritas Z 7.3305
… ὁ ἔξαρχος ἀπελάτων … / … the commander of the Apelatoi … (trs. author).

23. *BE* 5.1
Οἱ πρανδιοπράται ὑφ' ἑνὶ συντελείσθωσαν ἐξάρχῳ παρὰ τοῦ ἐπάρχου προχειριζομένῳ. / The dealers in Syrian silks [band dealers] shall be under the direction of a single chief who shall be appointed by the Prefect (trs. Boak, 606).

24. *BE* 21.1 (see also 21.4–5).
Μὴ ἐξέστω δὲ τούτοις καθόλου τὴν ἐξώνησιν ποιεῖσθαι, εἰ μὴ εἰς τὰ περιττεύοντα τῶν ζῴων, ἃ οἱ ἐξωνούμενοι εἴασαν ἀνεξώνητα. αὐτοὶ δὲ μαρτυρείτωσαν τὸ ζῷον ὁποῖόν ἐστιν – ἐπὶ τούτῳ γὰρ καὶ ἡ τούτων ἐπιστήμη ἐστί – καὶ ἐὰν ἀπὸ τῆς τούτων μαρτυρίας ἐξωνηθῇ παρὰ τοῦ βουλομένου, λαμβανέτω ὁ μεσιτεύσας καθ' ἓν ἕκαστον ζῷον κεράτιον ἓν ἀπό τε τῶν ἐπιδημούντων ἔξωθεν καὶ τῶν ἐν τῇ πόλει. / They shall not be allowed to make any purchase at all, except in the case of the surplus animals which the buyers have left unpurchased. Let them testify to the condition of any sort of animal, for their occupation is concerned with this also. If a purchase should be made by one who wishes to buy on the basis of their testimony, the inspector who has served as intermediary shall receive a *keration* for each animal both from strangers and residents in the city (trs. Boak, 618).

25. *BE* 21.3 (see also 21.9).
… ἵνα μὴ τὰ ἀποκλαπέντα ἢ ἀποσπασθέντα τῶν ζῴων κρυφίως ἀπεμπολούμενα διαλανθάνῃ. / … in order to prevent the secret sale of stolen or abducted stock (trs. Boak, 618).

26. *BE* 21.2
Εἰ δὲ τυχὸν ὁ βόθρος αὐτὸς ἀνελάβετο τὸ ζῷον ... λαμβανέτω καθ' ἕκαστον νόμισμα φόλεις ἕξ./ If it should happen that the inspector himself has taken [over] the animal … he shall receive six *folles* for each *nomisma* of its sale price (trs. Boak, 618).

27. Tipoukeitos 19.10.27 mentions *BE* 21.6 and 5
Γίνωσκε δέ, ὅτι ἐν τῷ παρ[όντι] βι[βλίῳ] περὶ τῶν βόθρων διαλεγόμενος ο σοφὸς ἐν βασιλεῦσι Λέων φη[σίν] ἰδικὸν νόμιμον … /But know that in the present Book, Leo, the Wise among the emperors, decreed expressly concerning the *bothroi* that … (trs. author).

BE 21.6 and 5 then follow.

28. *BE* 21.5 and 6

5. Τὰς αἰτίας τῶν ζῴων τὰς ἀπὸ φανεροῦ οὔσας λεγέτωσαν οἱ ἀπεμπολοῦντες, ὁμοίως καὶ τὰς ἐν κρυπτῷ· καὶ εἰ εὑρεθῶσιν οἱ ἐξωνήσασθαι βουλόμενοι καὶ μὴ ἐσφραγισμένην τὴν τιμὴν παράσχωσι, μὴ ἐχέτωσαν ἐξουσίαν ταῦτα ἀντιστρέφειν, εἰ μὴ μέχρι φόρου

ἑνὸς ἀπαγγέλλοντες τὴν αἰτίαν, δι' ἣν ταῦτα ἀντέστρεψαν. εἰ δὲ ἐσφραγισμένη ἡ τιμὴ δοθῇ κατὰ τὴν συμφωνίαν, οὕτω καὶ γινέσθω.

6. Μετὰ τὸ ἀπεμποληθῆναι τὸ ζῷον εἰ αἰτίαν λανθάνουσαν ἔχει, δι' ἐξαμηναίου κατὰ τὸν νόμον καιροῦ ἀντιστρεφέσθω. εἰ δὲ καὶ οἱ ἓξ μῆνες διέλθωσι, μειούσθω τὸ τίμημα, εἰ μὴ στρατιώτης ἐστὶν ὁ ἠγορακώς. /

5. Vendors shall declare both the visible and the concealed defects of the animals. If it happens that those who wish to make purchases have not paid the price agreed upon, they shall have the right to return the animals up to the next market upon declaration of the fault on account of which they return them. But if they have paid the price agreed upon, the contract shall hold good.
6. If an animal proves to have a concealed defect after a sale has been completed, this permits its return within a period of six months. But if the six months have elapsed, the price shall be reduced, unless the purchaser is a soldier (trs. Boak, 618).

29. *BE* 5.4

Τὴν εἰσερχομένην πραγματείαν ἀπὸ Συρίας, οἵα καὶ ὅση ἐστίν, εἰ μὲν ἐσθήματα εἶεν, οἱ πρανδιοπράται ἐξωνείσθωσαν ἅπαντες ταῦτα, καὶ τὰ κρείσσονα καὶ τὰ ἐλάσσονα, εἰ δὲ μυρεψικὰ ἢ βαφικά, οἱ μυρεψοί. εἰ δέ τινες βούλονται τῶν αρχόντων ἢ ἄλλων τινῶν προσώπων ἐκ τῶν εἰσερχομένων ἐξωνεῖσθαι, τοσαῦτα ἐξωνείσθωσαν, ὅσα δ' ἂν ἐν τοῖς ἰδίοις οἴκοις δύνανται κατακενοῦν. / The dealers in Syrian silks [band dealers] acting together shall buy the whole of the merchandise imported from Syria, whatever its character and quantity, in so far as it consists of articles of clothing both large and small. But if it comprises perfumes or dyestuffs, the perfumers shall buy it. And if any of the nobles or any other persons wish to buy some of the imported goods, they may buy just so much as they can consume in their own homes (trs. Boak, 607).

30. *BE* 1.20

… ἔν τινι εἴτε οἴκῳ εὐαγεῖ ἢ ἀρχοντικῷ εἴτε μοναστηρίῳ ἢ γηροκομείῳ … /… in the house of a pious foundation or of an official, a monastery or a home for the aged … (trs. author).

31. *BE* 8.2

… εἴτε ἀρχοντικὸν πρόσωπον εἴτε ἰδιωτικὸν … /… any prince or private person … (trs. Boak, 609).

32. *BE* 8.2

… ἱμάτιον, εἴτε ἑξάπωλον εἴτε ὀκτάπωλον, πορφυράερον … /… a purple robe of six or eight widths [threads?] … (trs. Boak, 609).

33. *BE* 4.2

… ἐσθῆτας ... ἐξωνούμενοι πλείω τῶν δέκα νομισμάτων τιμωμένας … /… when purchasing garments valued at ten *nomismata* or more … (trs. Boak, 606).

34. *BE* 16.4
Ὅστις τῶν χοιρεμπόρων εὑρεθείη εἰς οἶκον ἀρχοντικὸν ἐναποκρύπτων τοὺς χοίρους καὶ λάθρα πιπράσκων, τῇ προειρημένῃ ὑποκείσθω ποινῇ. / If any pork dealer is found concealing pigs in the house of a noble and selling them secretly, he shall suffer the aforesaid punishment (trs. Boak, 615).

35. Justinian, *Novella* 8, Appendix (a. 535) (*Basilika* 6.3.50)
Οὐκ ἐγὼ μόνος ταῦτα πράξω, ἀλλὰ καὶ τὸν ἀεί μοι *παρεδρεύοντα* τοιοῦτον σπουδάσω παραλαβεῖν καὶ τοὺς περὶ ἐμὲ πάντας, ὥστε μὴ ἐμὲ μὲν καθαρεύειν, τοὺς δὲ περὶ ἐμὲ κλέπτειν καὶ ἁμαρτάνειν. εἰ δὲ εὑρεθῇ τις τῶν περὶ ἐμὲ τοιοῦτος, καὶ τὸ γενόμενον παρ᾽ αὐτοῦ θεραπεύσω καὶ αὐτὸν ἀποδιώξω. / Not only will I do this personally, but will also endeavour to choose a counsellor (assessor) and other persons about me who are imbued with the same spirit, lest, although I may be honest myself, those about me would steal and commit wrongs, and if anyone does so, I will mend the wrong done by him, and dismiss him from office. (trs. F.H. Blume, *Justinian's Novels*, in: George William Hopper Law Library, http://uwacadweb.uwyo.edu/blume&justinian/Novels1_40.asp)

36. *BE* 18.2
Οἱ ἀρτοποιοὶ μηδεμιᾷ λειτουργίᾳ ὑποκείσθωσαν, μήτε αὐτοὶ μήτε τὰ τούτων ζῷα, ὡς ἂν ἀπερικόπως τὸν ἄρτον ἐργάζωνται. / The bakers should not be subjected to any kind of public service, neither they themselves nor their animals, so that they can produce bread without being burdened (trs. Boak, 616).

37. *Eisagoge* 40.17
Ὁ πλαστὴν μονίταν ποιῶν μετὰ τῶν ὑπουργησάντων αὐτῷ χειροκοπείσθωσαν. ὁ δὲ τοῦ ἀγροῦ διοικητής, ἐν ᾧ γέγονεν ἡ πλαστὴ μονίτα, εἴτε γεωργὸς εἴτε δοῦλος εἴτε ἔνοικος εἴτε ἐργαστηριακὸς ὑπηρετήσας τῷ ἁμαρτήματι, καὶ ὁ τοιοῦτος χειροκοπείσθω. / Who is producing counterfeit money and his accomplices, their hands shall be cut off. And the administrator of the place where the money was counterfeit, be he a farmer or a slave or an inhabitant or an owner of a workshop, if he was an accomplice of the crime, his hands shall also be cut off (trs. author).

38. *BE* 16.5
Οἱ τοὺς χοίρους σφάττοντες καὶ ἀπεμπολοῦντες μὴ ἀποτιθέτωσαν τὰ τούτων κρέα εἰς καιρὸν ἐνδείας. / Those who slaughter pigs for sale shall not keep their meat for a time of scarcity (trs. Boak, 616).

39. *BE* 15.6
Οἱ μακελάριοι μὴ ἐχέτωσαν ἐξουσίαν ἐξωνεῖσθαι χοίρους καὶ ἀποτιθέναι τὰ τούτων κρέα. / The butchers shall not have the right to buy pigs and keep their meat in storage (trs. Boak, 615).

40. *BE* 15.3

Οἱ μακελάριοι μὴ συναντάτωσαν τοῖς ἀπὸ τῶν ἔξωθεν ἐρχομένοις προβαταρίοις τοῖς τὰς ἀγέλας ἐμπορευομένοις καὶ εἰσάγουσιν ἢ ἐν Νικομηδείᾳ ἢ ἐν <τῇ> πόλει, ἀλλ᾽ ἐν τῷ πέρα τοῦ Σαγάρου, ὡς ἂν εὐωνοτέρα ἡ πρᾶσις τοῦ κρέατος ᾖ. / The butchers shall not meet the drovers who come from outside with their flocks for sale either in Nicomedia or in the City, but beyond the Sangarius river, in order that they may buy the meat more cheaply (trs. author).

41. *BE* 2.8–9

Οὐκ ἐξεῖναι κελεύομεν δοῦλον ἢ ἐλεύθερον χρυσοχόον ἀσήμιον ἐξωνεῖσθαι πλεῖον τῆς μιᾶς λίτρας, εἴτε ἀνέργαστον εἴτε εἰργασμένον, εἰς ἐργασίαν αὐτοῦ. Εἰ δὲ ἐπέκεινα τῆς λίτρας πρὸς ἐργασίαν παρά τινος ἀσήμιον λήψεται καὶ μὴ αὐθωρὸν τῷ προεστῶτι τῶν χρυσοχόων τοῦτο ἐμφανίσοι, δοῦλος ὢν εἰσκομιζέσθω, εἰ δὲ ἐλεύθερος, δαρμῷ καὶ κουρᾷ καὶ ζημίᾳ λίτρας καθυποβαλλέσθω μιᾶς.

Δοῦλος εἰς ἐργαστήριον ἀργυροπρατικὸν καθεσθῆναι μέλλων οἰκειούσθω παρὰ τοῦ οἰκείου δεσπότου εὐπόρου τυγχάνοντος, εἰ δὲ ἐλεύθερος, παρὰ πέντε προσώπων, τῷ αὐτῷ ὑποκειμένων δηλονότι τοῦ παρ᾽ αὐτῶν προβαλλομένου κινδύνῳ. /8. We command that no goldsmith, whether slave or free, shall purchase for his work more than a single pound of precious metal, be it unwrought or wrought. And if one does take from somebody more than a pound of uncoined precious metal for his work and does not declare it at once to the chief of the goldsmiths, if he is a slave he shall be confiscated by the state, but if a free man he shall be whipped and subjected to a fine of a pound.

9. A slave who is going to be set up in a jeweller's shop shall be sponsored by his own master if the latter is a man of means. But a freeman shall be vouched for by five persons, who shall assume the same risk as he whom they have nominated (trs. Boak, 604).

42. *BE* 4.2

Οἱ βεστιοπράται, εἴτε δοῦλοι εἴτε ἐλεύθεροι, ἐσθῆτας ἐξ οἱωνδήποτε προσώπων, εἴτε ἀρχοντικῶν εἴτε καὶ σηρικοπρατῶν, ἐξωνούμενοι πλείω τῶν δέκα νομισμάτων τιμωμένας ἐμφανίζειν ὀφείλουσι ταύτας τῷ ἐπάρχῳ, ὡς ἂν εἴδησιν ἔχῃ, ὅπου ὀφείλουσι πιπράσκεσθαι. / Silk-garment merchants, whether slaves or free persons, when purchasing garments valued at ten or more *nomismata* from persons of any sort whatsoever, even from high-ranking officials or silk weavers, shall declare the same to the Prefect so that he may know where they are to be sold (trs. Boak, 606).

43. *BE* 8.13

Ὁ ἐργαλεῖα συνιστῶν, εἰ μὲν ἐλεύθερος εἴη, οἰκειούσθω παρὰ πέντε προσώπων, εἰ δὲ δοῦλος, παρὰ τοῦ ἰδίου δεσπότου εὐπόρου τυγχάνοντος, τῷ ἴσῳ δηλονότι τῶν παρ᾽ αὐτῶν προβαλλομένων καταδικαζομένων κινδύνῳ. διδότω δὲ ὁ καταλεγόμενος τῷ συστήματι νομίσματα τρία. / If anyone wishes to set up a workshop, he must be vouched for by five persons if he is a free man, but if he is a slave, by his own master, provided that the latter is a person of means. The sponsors shall assume the same risks as the one

whom they nominate. The newly enrolled member shall pay the corporation three *nomismata* (trs. Boak, 610).

44. *BE* 12.9

Ὁ μετὰ καμπανοῦ πωλῶν σαπώνιον μὴ τῇ τοῦ ἐπάρχου ἐσφραγισμένου βούλλῃ, δοῦλος ὢν ἐν τοῖς βασιλικοῖς ἀποδιδόσθω δούλοις, εἰ δὲ ἐλεύθερος, εἰσκομιζέσθω. / Whoever sells soap with a bar-balance not marked with the seal of the Prefect shall, if he is a slave, be placed among the imperial slaves, but if he is a free man he shall suffer confiscation (trs. Boak, 613).

45. *BE* 3.1

Ὁ τραπεζίτης προβληθῆναι μέλλων μαρτυρείσθω παρ᾽ ἐντίμων καὶ χρησίμων ἀνδρῶν οἰκειουμένων αὐτὸν μηδὲν πράττειν παρὰ τὰ διατεταγμένα, τὸ μὴ τὰ νομίσματα ἢ τὰ μιλιαρίσια ξέειν μήτε τέμνειν ἢ παραχαράττειν, μήτε δοῦλον ἴδιον ἀντ᾽ αὐτοῦ ἐν τῇ τραπέζῃ καθιστᾶν τὴν πραγματείαν ποιούμενον, εἰ τυχὸν αὐτὸς ἔν τισι πρὸς καιρὸν ἀσχολεῖται δουλείαις, ὡς ἂν μὴ παρ᾽ αὐτῶν τὰ τῆς τέχνης κιβδηλεύοιτο. εἰ δέ τις εὑρεθείη μὴ οὕτω ποιῶν, ποινὴν τὴν διὰ χειρὸς τομὴν ὑποστήσεται. / Anyone who wishes to be nominated as a banker must be vouched for by respected and honest men who will guarantee that he will do nothing contrary to the ordinances; to wit, that he will not pare down, or cut, or put false inscriptions on *nomismata* or *miliarisia*, or set one of his own slaves in his place at his bank if he should happen to be occupied with some temporary duties, so that no trickery may thereby enter into the business of the profession. If anyone is caught in such practices, he shall be punished by the amputation of his hand. (trs. Boak, 605).

Appendix: List of Eparchs

Niketas Ooryphas 860–861, *PmbZ* 25696.
Basileios 862–866, *PmbZ* 955.
Konstantinos 866, *PmbZ* 4009, perhaps identical with Konstantinos Kapnogenes during the reign of Basil I, *PmbZ* 4010 (identical with *PmbZ* 23743).
Marianos c.850 (at the Forum in 867 he proclaimed Basil I emperor), PmbZ 4769; Paulos c.?869, *PmbZ* 26302.
Konstantinos pre–886, *PmbZ* 23743 (identical with *PmbZ* 4010).
Marianos 886–?912, *PmbZ* 24961.
Ioannes end of the ninth century, *PmbZ* 22848.
Philotheos 899–912, that is, during the period the *BE* was completed, *PmbZ* 26634; Michael end of ninth to beginning of tenth century, *PmbZ* 25136.

7

Response

Chris Wickham

The two texts in this section deal with quite different aspects of imperial authority. Cécile Morrisson's article shows that people did indeed pay attention to the legends and imperial imagery on coins in the Byzantine period, contrary to the opinion of (for example) Michael Hendy; it is indeed quite striking how accurate some external commentators were about imagery and its changes. The emperor gave authority to coins; and, above all, people ascribed changes in the imagery on coins to the decisions of emperors themselves, over and over. This does not show that the emperors themselves ever did decide such changes (sometimes, doubtless, but not necessarily often). But it is certainly important that Byzantine writers – who were themselves from the elite – so regularly assumed that they did. Coins in that sense did not only reflect imperial authority, as they should, but were often explicitly seen as guides to the detail of how that authority was articulated. This is very important, for, of course, more people saw images of emperors on coins than any other single type of image, as Morrisson says. The implications of this have yet to be taken up in full for the whole run of Byzantine history, but we see a significant step forward here.

Johannes Koder, on the other hand, is concerned with 'rational-legal' authority, in this case as seen in the detailed account of the duties of the Eparch of Constantinople in the ninth and tenth century, as shown in the *Eisagoge*, and the slightly later *Book of the Eparch* (Koder is indeed the expert on the relationship between the two). He sets out the duties as shown in the latter text, in detail. These are doubtless somewhat idealised; the 'rational-legal' elements of eparchal power need not have been as complete as these essentially normative texts would like to claim. But what is very clear in the *Book of the Eparch* (as also, fairly regularly, in many Byzantine narrative sources) is the assumption that there was indeed a real 'bureaucratic' hierarchy in the City, with official roles laid out at every level as Max Weber would have wanted, up to the extremely powerful eparch at its head (the heir of the urban prefect of Roman times, and the opposite number to the urban prefect still in existence in tenth-century Rome). As with commentators on coins, the assumptions matter as much as the reality when authority was conjugated on the ground.

How does all this look from a western perspective? First, nothing like the *Book of the Eparch* exists in this period. The text resembles later western guild regulations in

many respects, above all in its regulation of the different ways effective monopolies and internal trade hierarchies existed for the guilds of the capital. But it is far earlier than any such western texts; and the level of state control it assumes has no parallel at all in the west. This must essentially be because of the size of Constantinople, which was not matched by any western city until 1200 at the earliest; it was crucial that the capital was fed, and that public order did not break down there, and that was down to the eparch and his men. It is, all the same, interesting that no similar text could be imagined even for contemporary Rome, which was second only to Constantinople in size in Europe until 1100 at least (apart from the fleeting demographic explosion in caliphal Córdoba between the early tenth century and the early eleventh). Rome still had an urban prefect, and he ran Rome's criminal courts; it is quite likely that he also ruled in Rome's relatively centralised markets, too. But he had nothing like the array of subordinates assumed in the *Book of the Eparch*, even though Rome's official hierarchies were unusually articulated. Byzantium's omnipresent state, even though less dominant in Constantinople than in the days of the state-run *annona*, had no western analogies for a very long time to come, and this text is a particularly clear reminder of it.

Western parallels to the commentaries on coin imagery are also relatively few. But here I am less convinced that there was a real contrast. Royal (and other rulers') imagery in the west, too, was overwhelmingly carried by coins; and that people paid attention to what coins had on them is at least clear from those documentary references to coins which identify them by the images on them. (These are not hugely frequent, but they are regular in situations of coinage change, or in places which made different types of coin available). I would not doubt that, if we had more than a tiny proportion of Byzantine documents, we would find the same – it is not that there is a contraposition here between western documents and Byzantine narratives. But it does mean that we could usefully in the west, too, pay more attention to the *kharaktèr* of rulers on their coins than we do, or than we have done recently.

This links in fairly well with Susan Reynolds' observations about east–west differences, as seen in the contributions she was reacting to. Those westernist historians who believe that Byzantium was too different to allow useful comparison are grievously mistaken, and indeed any analysis of medieval Europe which does not take account of Byzantium is grievously flawed. There was an organisational continuum between both, and considerable interaction in every period as well. But the force of state authority, and more generally imperial authority, in Byzantium is nonetheless always necessary to stress. Byzantinists sometimes try to talk it down, in understandable reaction to the misleading institutional studies of the past, but it cannot be talked down too much; the authority of the Byzantine state and its internal articulation were second to none for most of the middle ages.

Part III

The Authority of the Church

8

Coming of Age in Byzantium: Agency and Authority in Rites of Passage from Infancy to Adulthood[*]

Jane Baun

The considerable authority exercised by the Orthodox Church and its official agents in medieval Byzantium is well known, and needs little further documentation. This paper will consider instead ways in which that authority has historically been received and mediated by those subject to it. In particular, it will explore the penumbra of alternative sources of authority and agency that surrounded much official church ritual in medieval Byzantium, with special focus on rites of passage, from infancy to puberty. We will see in all cases a complex interplay of official and unofficial sources of secular authority and supernatural power, at the hands of both lay and clerical agents. Rites of passage are peculiarly productive of a mixed economy of ritual agency, since they allow the involvement of laypeople in a way that most other sacramental activities meditated by the official church, such as the Eucharist, could not. Parents, godparents and non-clerical experts, such as midwives and wise women, might have crucial decisions to make and roles to play, especially in ritual that occurred in domestic contexts. Not all ritual happened in church or required the use of written texts or literate agents. Much ritual did, of course, happen in church – but we will see in this paper how the authority of the official church could intersect with alternative sources in sometimes surprising ways, verging on what modern scholars might call magical.[1]

For the Byzantine child, growing up was marked and effected through a series of ritual acts, through which the child was gradually drawn into the full web of adult

[*] Preliminary versions of this paper were presented in Oxford in 2005, and in 2006 at the Dumbarton Oaks Symposium, 'Becoming Byzantine: Children and Childhood in Byzantium'. It is a pilot study for a larger project on the rites of passage in Eastern Orthodox religious culture. Particular thanks are due to Elizabeth Bolman, Michael Jeffreys, Eunice Maguire, Yannis Papadoyannakis, Martyn Percy, and Robert Taft, S.J., for generous sharing of references and expertise.

[1] Much of what moderns call 'magical', of course, would have seemed entirely orthodox and proper at that time; for modern vs contemporary Byzantine definitions of 'magic', see H. Maguire, *Byzantine Magic* (Washington, DC, 1995), 2–3.

privileges and responsibilities. Major rites of passage with public implications for Byzantine children included naming, baptism, churching, the beginning of primary education, beard cutting, head covering, and betrothal. Other, more private and domestic, but potentially as perilous, rites of passage included the first bath, haircut and tooth, and weaning.[2] Each act involved a passage between life stages, and since moments of transition are rich with potential dangers, Christians in medieval Byzantium, in common with all human societies, developed magico-religious practices to support and protect their children.[3] Such rituals were directed towards ensuring the safety and health of the growing child, by protecting it from malign spirits which prey on the vulnerable, and aligning it with heavenly protectors.

The basic source for authorised church ritual in Byzantium is the *Euchologion* (lit., 'prayerbook'), a term which denotes the all-purpose book of prayers used by Byzantine clergy for all types of services. It is perhaps misleading to refer to 'the' Byzantine *Euchologion*: rather than a single, systematic and centrally controlled volume, the *Euchologion* is best understood as 'a vast anthology whose contents vary widely from MS to MS', the study of which is notoriously complicated.[4] The earliest surviving manuscript, Vatican Barberini graecus 336, codifies liturgical practice as it had developed in Constantinople towards the end of the eighth century, and so provides a precious early medieval witness to Byzantine liturgical practice.[5] The basis for Jacques Goar's long-standard edition of the *Euchologion* (Paris, 1667; 2nd, corrected edn, Venice, 1730), the Barberini manuscript was judged by Miguel Arranz to display the *Euchologion* at 'the zenith of its evolution'.[6] The *Euchologion* did, however, undergo continuous evolution throughout the Byzantine centuries – a headache for editors and liturgical scholars, but a blessing for historians seeking to trace changes over time in ritual practice, pastoral attitudes and theological understanding.[7] One challenge concerning scholarly use of the *Euchologion* is that

[2] Weaning was a particularly perilous time for Byzantine infants, given the recommended weaning diet of goat's milk, which lacked vital nutrients, and honey, which could cause botulism poisoning; see C. Bourbou and S. Garvie-Lok, 'Breastfeeding and Weaning Patterns in Byzantine Times', in A. Papaconstantinou and A-M. Talbot, eds, *Becoming Byzantine: Children and Childhood in Byzantium* (Washington, DC, 2009), 74–5.

[3] These have been documented amply for medieval western Europe: see, for example, S. Wilson, *The Magical Universe: Everyday Ritual and Magic in Pre-Modern Europe* (London, 2000), esp. chapters 7–10.

[4] R. Taft, at 'Euchologion', *The Oxford Dictionary of Byzantium* (Oxford, 1991), 738; hereafter, *ODB*.

[5] Modern critical edition, S. Parenti and E. Velkovska, eds, *L'Eucologio Barberini Gr. 336*, Bibliotheca 'Ephemerides Liturgicae Subsidia' 80 (Rome, 2000).

[6] J. Goar, ed., *Euchologion sive rituale Graecorum*, 2nd edn (Venice, 1730; rpr. Graz, 1960); M. Arranz, 'Les sacrements de l'ancien Euchologe constantinopolitain' (1), *Orientalia Christiana Periodica* 48 (1982), 285; hereafter *OCP*.

[7] This article will cite Goar's edition (1730), as being most readily accessible, and also the *Euchologion* studies of Miguel Arranz, based on seven manuscripts dating from the eighth to fourteenth centuries, published in *Orientalia Christiana Periodica* from 1982 to 1989.

the prayers it contains often represent merely the tip of the ritual iceberg. For minor rites, they usually record only the rite-specific prayers the priest needed to say, leaving out the more formulaic or familiar elements, such as litanies, and words found in other books, such as scriptural readings, that would have made up the rest of the service. Likewise, while some manuscripts do contain ritual notes of various kinds, most give only fleeting clues as to the larger performative context. Who did what, when, and where? Lacking such context, it is often difficult to know how to place such stand-alone prayers.

Additional witnesses for normative Byzantine practice may be found in the homilies and treatises of the church fathers, chief among them, on moral matters, St John Chrysostom, patriarch of Constantinople at the turn of the fourth century (398–404). As we shall see, Chrysostom often witnesses as well to unofficial practices – with disapproval. Unofficial ritual may also be recovered from magical manuscripts, such as those published by A. Vasiliev in his *Anecdota Graeco-Byzantina* (1893), as well as from descriptions in sermons, treatises and histories, with some suggestive help from modern archaeology and ethnography.

Major stages in the making of the Byzantine child are listed on the 'Ritual Chart' shown overleaf. Listing these stages in tabular form lends a perhaps misleading air of system to the process, implying that each Byzantine child went through each stage in a recognised progression, but nothing could be further from the truth. The only rituals that we can be sure were taken up in some form by all Byzantine Christians are naming and baptism. For all others, we lack the context to state definitively how widely these were performed, across centuries and social groups, and in different parts of the empire. The chart merely shows the spectrum of various rites that are known to have been available at various times, but makes no claim to have found a systematic programme for the making of the fully-fledged Byzantine child.

Infancy Rituals: Naming, Baptism, Churching

The Ritual Chart does demonstrate how thoroughly each of the significant stages in a Byzantine child's life could be ringed about with ritual acts.[8] The infant's first full week was affirmed on the eighth day after birth with special prayers acknowledging its name. The survival of its first month was marked on the 40th day after birth, when the child was presented in church, along with its mother. This 'churching' rite in its earliest versions focused on the presentation of the child as thank-offering, and only later came to carry heavy symbolic meanings of

[8] Conception and birth were also safeguarded by both official and unofficial means; see M-H. Congourdeau, 'Les variations du désir d'enfant à Byzance', in Papaconstantinou and Talbot, eds, *Becoming Byzantine*, 39–45; also in the same volume, B. Pitarakis, 'The Material Culture of Childhood in Byzantium', 196–203.

Ritual Chart

Rite	When	Where	By whom	Why	Precedent/model	Incorporation
Name divination	soon after birth	home?	parents, relatives, possibly wise women	to divine God's will for child's name	angelic revelation of names for John the Baptist and Jesus? (Luke 1:13, 31)	earthly and heavenly patronage
Naming	8th day after birth	church	priest, parents	entrance into catechumenate	circumcision and naming of John the Baptist and Jesus (Luke 1:59–66, 2:21)	• family, society, godparents, • company of saints
Baptism and Chrismation	as soon as practical after birth	church	priest, godparents	• spiritual rebirth • cleansing from sin • sealing as Christ's own anointing of Holy Spirit	• baptism of Christ • (Luke 3:21–2) • the Great Commission • (Matthew 28:19)	• Church, body of Christ • Kingdom of Heaven • spiritual kinship with godparents
Churching of mother and child	40th day after birth	church	priest	• presentation of child, thank-offering • purification of mother	Presentation of child Jesus in the Temple (Luke 2:21–40)	reincorporation of the mother into the church community
Education: beginning	age 6 or 7? boys only?	not specified	priest, possibly teacher?	blessing	Biblical illuminati	• literate society • liturgical participation
Education: 'special measures'	as needed	church	priest	remedial help	• 12 Disciples, illumination of • 24 Presbyters, wisdom of	• literate society • liturgical participation
Beard cutting, first	puberty, c. 14 years	home? church?	priest, beard cutter	mark boy's maturity and availability for marriage	• Old Testament offerings • blessing of Aaron's beard (cf. Psalm 133)	manhood
Head covering (binding? veiling?)	puberty, c. 12 years	home? church?	priest, 'the woman who veils her'	mark girl's maturity and availability for marriage	Pauline injunction (1 Cor. 11: 3–10)	womanhood
Betrothal	normally puberty, as early as 5 or 7 in special cases	church	matchmakers, priest	pre-nuptual contract	Virgin Mary and Joseph	family (for girls, new family)

cleansing the mother from the ritual pollution of childbirth.[9] Baptism could take place anytime within the first 40 days, although canonists and preachers frequently exhorted parents to do it sooner rather than later. The rubric and ritual notes which accompany a prayer indicated for the naming ceremony of an infant preserved in later medieval copies of the *Euchologion* imply that normative practice was to name the child a week after its birth, as a preliminary to baptism.[10] The prayer is usually described in the manuscripts as a 'Prayer for the sealing of an infant receiving its name, on the eighth day after its birth'. A fourteenth-century medieval manuscript of the *Euchologion* accompanies the prayer with the following ritual note:[11]

> It must be known that on the eighth day after the birth, the babe [*brephos*] is brought to the temple by the *maia* [nurse, midwife] to receive its name. The priest, before the doors of the temple, says the habitual prayer over them, and seals it <with the cross> on the forehead, and the mouth, and the breast, and thus he dismisses them.

Note that the baby is said to have been brought by the *maia*, the nurse or midwife, and not by its mother, who would have been ritually unclean for 40 days after the birth. The main prayer is comprehensive in its delineation of the normative Christian life and hope:[12]

> O Lord our God, we pray unto thee, and we beseech thee, that the light of thy countenance may be shown upon this thy servant; and that the Cross of thine Only-begotten Son may be graven in his heart, and in his thoughts: that he may flee from the vanity of the world and from every evil snare of the enemy, and may follow after thy commandments. And grant, O Lord, that thy holy Name may remain undenied by him; and that he may be joined, in due time, to thy holy Church; and he may be perfected through the dread Mysteries of thy Christ: That, having lived according to thy commandments, and having preserved unbroken the seal, he may receive the bliss of the elect in thy kingdom; through the grace and *philanthrōpia* of thine Only-begotten Son, with whom also thou art blessed, together with thine all-holy, and good, and life-giving Spirit, now, and ever, and unto ages of ages. Amen.

As recorded by Arranz, most of the manuscripts note that, after the prayer, the priest makes the sign of the cross on the forehead, mouth and breast of the infant. The prayer presumes that baptism will follow 'in due time', but if a baby was in

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[9] References in R. Taft, 'Women at Church in Byzantium', *Dumbarton Oaks Papers* 52 (1998), 79.

[10] Goar, *Euchologion*, 264–5; Arranz, 'Sacrements' (3), *OCP* 49 (1983), 290–1; I.F. Hapgood, tr., *Service Book of the Holy Orthodox-Catholic Apostolic Church*, 3rd edn (New York, 1956), 267.

[11] Athens 662 (12th–14th centuries), as transcribed in Arranz, 'Sacrements' (3), *OCP* 49 (1983), 290.

[12] Goar, *Euchologion*, 321; Arranz, 'Sacrements' (3), *OCP* 49 (1983), 290–1; trans. adapted from Hapgood, *Service Book*, 267; masculine pronouns are unmarked for gender.

danger of death, it was baptised as soon as possible, as all agreed that babies who died unbaptised fell into grave spiritual danger.[13] The priest was not the only person seeking to safeguard infants: as a preacher in Antioch, John Chrysostom railed against the use of amulets, bells and scarlet thread for protection of babies, and attempts by parents and maidservants bathing a baby to ward off the evil eye by signing a cross in mud or clay on its forehead, which he denounced as verging on satanic parody of the holy baptismal anointing with oil.[14]

Baptism and naming literally created the child as a social and spiritual being. Both established the child's place within its various families – for the Byzantine child, like all Christian children, belonged to at least three families: its blood family, its spiritual family, and God's family, the Church. Baptism established the child as belonging to God and to the Church, but it also created and reinforced solemn bonds of spiritual kinship between families and individuals, bonds which were treated as seriously as blood relationships. Such ties could exercise a profound influence on a child's future. Baptism was also important as the first public announcement of the child's name, which helped the child into the spiritual and social networks which (it was hoped) would sustain him or her throughout his or her life.

The priest may have performed the actual baptismal rite, but the sources suggest that the important decisions surrounding the ritual were taken by the child's parents and extended family. Most basic was the choice of the child's name. There were a number of possibilities: it could be named after blood relations, living or dead; after spiritual relations – in particular, the chief godparent; or after a saint with whom the family had a particular relationship, or whose feast day fell near the day of the baptism. The homilies and treatises of John Chrysostom provide evidence for both the prevailing social patterns in the later fourth century, and the pattern the Byzantine Church tried to establish as normative for naming. In a homily rebuking 'those who have abandoned the church', Chrysostom notes the late Roman practice of naming children after the dead:[15]

> Men, to honour the deceased and to console themselves, often call their children by the names of the dead, contriving through the naming of their children a consolation for the death of the departed.

Chrysostom, while understanding the impulse, exhorts parents to look beyond such earthly concerns, and to choose names hallowed with explicitly Christian

[13] J. Baun, 'The Fate of Babies Dying before Baptism in Byzantium', in D. Wood, ed., *The Church and Childhood*, Studies in Church History 31 (Oxford, 1994), 115–25.

[14] Homily 12 on 1 Corinthians §7, *PG* 61: 105–6; set in the larger context of late antique beliefs regarding the evil eye in S. Trzcionka, *Magic and the Supernatural in Fourth-Century Syria* (London, 2007), 107–8.

[15] John Chrysostom, homily *Epitimēsis kata tōn apoleiphthentōn*, §3, *Patrologia Graeca* 51.1: 148 (hereafter, *PG*); tr. M.L.W. Laistner, *Christianity and Pagan Culture in the Later Roman Empire* (Ithaca, NY, 1951), 138.

connotations. He is trying to substitute a new kind of ancestry for Christian children, who are to look to the martyrs, saints and apostles as their ancestry and security, displacing the old Roman veneration of ancestors and lineage. In his treatise *On Vainglory and the Education of Children*, he exhorts parents as follows:[16]

> Let none of us hasten to call his child after his forebears, his father and mother and grandsire and great-grandsire, but rather after the righteous – martyrs, bishops, apostles. Let this be an incentive to the children. Let one be called Peter, another John, another bear the name of one of the saints.

But which righteous name, and which patron saint, to choose? For later medieval England, studies of charters and memorial brasses clearly demonstrate that children were named most often after the senior godparent, who was customarily given the privilege of naming the child, and often named it after himself or herself.[17] This was thought to bind the child more closely to his or her sponsor – especially important when the godparent was a social superior. As Ruth Macrides and Evelyne Patlagean have shown, godparents were – and still are – tremendously important in the Orthodox churches, and the spiritual relations created were considered in law as equivalent to blood relations, with implications for marriage restrictions.[18] Byzantine children, however, do not seem to have been named habitually either by or for their godparents. Evidence spanning the Byzantine period presented by Phaidon Koukoules for naming patterns suggests that parents most often chose the name.[19] Symeon of Thessaloniki, writing in the early fifteenth century, stressed the parents' moral responsibility to choose their child's name thoughtfully, and to have each child baptised with its own individual name, just as Jesus was given his own name. In his treatise *On the Sacraments*, Symeon admonished parents: 'Don't just baptise them all John and Mary, the way some simpletons and ignorant persons say'.[20]

But despite the efforts of preachers and bishops, the pattern of naming children after blood relations held on tenaciously during the Byzantine period – as it still does today in many Greek and Slav families. Chrysostom could take heart in that by medieval times, most of the names being handed down were also saints' names, but lineage was clearly the primary factor in choices for first-born children, in

[16] John Chrysostom, *On Vainglory,* §47, ed. A-M. Malingrey, *Jean Chrysostome. Sur la vaine gloire et l'éducation des enfants*, Sources chrétiennes 188 (Paris, 1972), 146–7; tr. Laistner, *Christianity and Pagan Culture*, 107.

[17] N. Orme, *Medieval Children* (New Haven, 2001), 35–43.

[18] R. Macrides, 'The Byzantine Godfather', *Byzantine and Modern Greek* Studies 12 (1987), 139–62; E. Patlagean, 'L'Enfant et son avenir dans la famille Byzantine Ive–XIIe siècles', *Annales de démographie historique* 1973, 85–93; further references in Papaconstantinou and Talbot, *Becoming Byzantine*, 5, nn. 15–18; see also Wilson, *Ritual Universe*, 242–51.

[19] Ph. Koukoules, *Vyzantinon vios kai politismos*, vol IV (Athens, 1951), 43–69.

[20] Symeon of Thessaloniki, 'On the Sacraments' §60, *PG* 155: 209B.

the aristocratic families for which evidence has survived. The eldest son would normally take the name of the paternal grandfather; the second son, that of the maternal grandfather, with succesive boys most typically named after uncles.[21] The same patterns could also obtain for girls: Gregory of Nyssa's sister Macrina, their mother's first-born child, was named after their paternal grandmother, despite a vision their mother had while pregnant of a luminous being who three times called the baby Thekla.[22] The practice appears blatantly over six generations of the Phocas family, with Leo, Bardas and Nikephoros handed down regularly from grandfather to grandson; and in the Komnenos family, with the names Manuel, John, Alexios and Andronikos.[23] Prosopographical study of the Middle Byzantine period provides broader confirmation that Byzantine children were most often named after grandparents. And, fully justifying Symeon's later medieval frustration, John and Mary (Ioannes and Maria) are far and away the two most common names encountered in eleventh- and twelfth-century Byzantine prosopography.[24]

Ritual Dilemmas (1): Which Name to Choose?

These are just some indications of trends in naming patterns, rather than a definitive statement. The sample does, however, give a sense of issues that could influence the choice of a child's name. It was a hugely important decision for parents, since if the system worked properly, an infant's name played a crucial role in their attempts to establish social and spiritual relations which would nurture and protect the growing child and finally the adult. It could not be left to chance, or mere parental whim. Accordingly, some parents resorted to ancient custom to discern the most auspicious name for their child. Intriguing evidence survives, from the beginning and towards the end of the Byzantine era, to show that some families engaged in name divination by lamps. The names which resulted may have been saints' names, but the practice itself was considered by some to be of questionable orthodoxy. It was common enough in the fourth century for John Chrysostom to have inveighed

[21] J-C. Cheynet, 'Aristocratic Anthroponomy in Byzantium', in his *The Byzantine Aristocracy and its Military Function* (Aldershot, 2006), III, 17.

[22] Gregory of Nyssa, *Life of Macrina* §2.5–31, ed. P. Maraval, *Grégoire de Nysse. Vie de Sainte Macrine*, Sources chrétiennes 178 (Paris, 1971), 144–48; also B. Caseau, 'Childhood in Byzantine Saints' Lives', in Papaconstantinou and Talbot, *Becoming Byzantine*, 137–8.

[23] J-C. Cheynet, 'Les Phocas', in G. Dagron and H. Mihăescu, eds, *Le traité sur la guérilla* (Paris, 1986), 289–315, with 'Tableau généalogique des Phocas' following p. 316; idem, 'Aristocratic Anthroponomy', *passim* and esp. 17–19.

[24] Ioannes, at 929 citations (followed by Michael, 534, and Konstantinos, 524), and Maria, at 106 citations (followed by Anna, 80, and Eirene, 69), are the most common names in online database of the *Prosopography of the Byzantine World*, 2nd edn: search results from http://www.pbw.kcl.ac.uk/ (accessed 4 June 2010), with special thanks to Michael Jeffreys for early soundings from prosopographical work in progress.

against it in no uncertain terms, while commenting in a homily on 1 Corinthians 4 on the folly of pagan practices:[25]

> When a name has to be given to the boy, they fail to call him after the saints. As men in olden times used first to do, they light lamps and give them names. Then they assign the same name to the child as that of the lamp which burns longest, inferring that he will live a long life.

He treated the same practice also in his treatise *On Vainglory* (§48):[26]

> And do not, I pray, follow Greek customs! It is a great disgrace and laughable when in a Christian household some Greek pagan customs are observed; and they kindle lamps and sit watching to see which is the first to be extinguished and consumed, and other such customs which bring certain destruction to those who practise them.

It is no surprise to find Chrysostom against the custom. As deacon and then priest in Antioch, and finally as Patriarch of Constantinople, Chrysostom was engaged in a mortal struggle over the soul of a late antique Christianity which was competing for the allegiance of its followers with the attractions of polytheist and Jewish cult practice, and still learning how to differentiate itself from both its Jewish roots and the dominant pagan culture. But it is a wonderful surprise to see the same practice being carried out in the late thirteenth century, and by no less august, pious and Christian a figure than the Byzantine emperor. An account of how the emperor Andronikos II Palaiologos (r. 1282–1328) and his Latin wife Irene (née Yolanda) of Montferrat found a name for their newly-born baby daughter was recorded by the contemporary historian George Pachymeres, whose history of the reigns of Michael VIII and Andronikos II, father and son, contains much eyewitness testimony.[27] The baby daughter involved was born in 1294, the last of seven children, and Andronikos II and Irene of Montferrat were desperate that this child should not die in infancy, as at least three siblings had done before her. The choice of the child's heavenly patron could not be left to chance, so it was attended by a solemn ritual of divination by icon and candle:[28]

> The loss of the young girl-children, before they had even appeared, distressed the emperor, and this happened with two or three infants. When the newborn girl was born, there was also great fear for her, <and> a certain one among the women, who was experienced and at the same time godly [*semnē*], offered advice, nonetheless as is customary for many [*plēn tēn synēthē pollois*],

[25] Homily 12 on 1 Corinthians §7, quotation at *PG* 61: 105; tr. Laistner, *Christianity and Pagan Culture*, 137–8.

[26] *On Vainglory* §48, ed. Malingrey, *Sur la vaine gloire*, 146–47; tr. Laistner, *Christianity and Pagan Culture*, 108.

[27] A-M. Talbot, 'Pachymeres, George', in *ODB*, 1550.

[28] George Pachymeres, *Rōmaikē historia*, IX.31–2, ed. A. Failler, *Georges Pachymérès. Relations historiques*, Corpus fontium historiae Byzantinae 24, v. 3 (Paris, 1999), 302–4.

> by which the offspring might be saved. And the advice <was this>: icons of the pre-eminent twelve among the apostles were set up; candles, of the same length and also the same weight and kindled at the same time, were fixed to each. And chanting in supplication for the newborn, they contined the prayer right up until the flame had entirely consumed the candles. And upon the one which remained when the others had at last disappeared, the name of this one would be given to the just born, so that also this one would survive on account of being protected. And <so> it happened then, by order of the Emperor. And the candle by Simon <alone> remained, so the just born was called Simōnís as a derivative, and she bore the name of the apostle as a protection.

Chrysostom would have approved of the result – an apostle's name – if not the method. The divination ritual was carried out, Pachymeres states most definitely, by the command of the emperor himself. Andronikos II was known for his straight and narrow Orthodox piety: as the son of the apostate Michael VIII, he could not afford to be seen doing anything unorthodox. Does this mean that name divination, with a suitably Christian veneer, was not beyond the pale for the Byzantines? Pachymeres, himself a Christian cleric and patriarchal official, recounts the story in a straightforward manner, assuring his readers that the rite was *synēthē* – customary, habitual, usual – for many (*plēn tēn synēthē pollois*). He emphasises that the woman who proposed the practice, as well as being experienced, was the epitome of pious gravitas, being *semnē*, a term which conjures up a whole complex of positive traits.[29] Such divination was clearly undertaken in a Christian spirit, as a way to divine the will of God, and was understood by Simonis' parents as a fully Christian practice. (Simonis needed all the divine assistance she could get: betrothed at the age of five and sent off to Serbia to be the bride of Stefan Uroš II Milutin, she was to have a very short childhood).

However the name was chosen, it was customary to have it confirmed, and the child blessed by the priest, preferably by the eighth day after birth, prior to baptism. Baptism itself, even for infants, was a long and complicated rite in the *Euchologion*, proceeding through multiple stages, which were spread out over several days in the ancient rite as developed for adult catechumens.[30] The full rite of Christian initiation, which could, as appropriate, include reception into the catechumenate, threefold exorcism, fivefold anointing and sealing, threefold immersion in the font, eightfold chrismation, ablution, fourfold tonsure and churching, was not stinted for babies: the various stages were carried out to the extent possible, with godparents taking on the role of answering questions and making promises. Baptism, chrismation and reception of the Eucharist constituted a hugely important, perhaps the most important, rite of passage for the Byzantine child, crucial to the formation of its

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[29] Lampe lists holy, godly, religious, worthy of respect, honourable, noble, seemly, sober, chaste, and serious: G.W.H. Lampe, *Patristic Greek Lexicon* (Oxford, 1961), at *semnos*, p. 1229.

[30] M. Johnson, *The Rites of Christian Initiation: Their Evolution and Interpretation*, 2nd edn, rev. and exp. (Collegeville, MN, 2007), esp. chapters 4, 7, and figures 7.1, 7.2, pp. 278–83.

spiritual identity and destiny. The fine detail, as well as the theological significance, of the official rites of initiation, has received painstaking and voluminous attention by modern scholars.[31] The penumbra of unofficial rites and folk beliefs which grew up around these most solemn of sacraments have traditionally attracted less scholarly attention, but these testify to an understanding among laypeople of the high spiritual stakes of these rites, and to a corresponding lay creativity in devising solutions to spiritual and practical challenges encountered during the performance of the official rites, such as naming, churching and baptism, or to ensure the well-being of mother and child in the interstices between rites.[32]

Ritual Dilemmas (2): What to do with Hair Offerings?

One such potential problem was what to do with the hair left over after baptismal tonsure, during which the priest cuts the child's hair in four places, marking out a cross. While the various *Euchologia* provide long prayers for this procedure, many questions surround its actual performance, including whether it was a routine or rare occurrence, when it ceased to be a rite separate from, and a week later than, the baptism itself, and whether girls as well as boys received tonsure.[33] However often, or for whomever it was performed, the overt Biblical and spiritual meaning for any hair-cutting rite, as explicated in the surviving prayer, is straightforward: it is an offering of first fruits, and a symbol of the dedication of one's life to God. In the classic characterisation of Arnold Van Gennep, in *The Rites of Passage* (1960),[34]

> To cut the hair is to separate oneself from the previous world; to dedicate the hair is to bind oneself to the sacred world, and more particularly to a deity or a spirit with whom kinship is in this way established.

Hair offerings to gods were a common pagan practice in Late Antiquity, criticised by both the rabbis and early Christian moralists such as Tertullian.[35] Tertullian was in the minority, however, and the practice was rapidly Christianised. The baptismal

[31] Johnson, *Rites*, describes the recent explosion of studies on Christian initiation which necessitated the work's revision.

[32] Pre-modern examples in Wilson, *Magical Universe*; David Clark, *Between Pulpit and Pew: Folk Religion in a North Yorkshire Fishing Village* (Cambridge, 1992), 110–26, documents just this kind of ritual problem solving in the memories and current practice of laypeople in a small English village, based on field work performed in the 1970s.

[33] Goar, *Euchologion*, 306–8; Arranz, 'Sacrements' (9), *OCP* 55 (1989), 48–54; modern commentators commonly assume that tonsure was done only for boys (ibid., 59), an assumption for which I have not found explicit support in ancient or medieval sources.

[34] A. Van Gennep, *The Rites of Passage* (London, 1960), 166.

[35] Tertullian, *De anima* §39, as cited in C. Horn and J. Martens, *'Let the Little Children Come to Me': Childhood and Children in Early Christianity* (Washington, DC, 2009), 276–7.

tonsure functioned as a further stage in the parents' thank-offering of their child back to God, and in the binding of the child to God for protection and salvation. Implicit in many a grateful offering to a benign deity, however, is an expectation that the bond formed will afford protection against malign spirits. Parents and priests had constantly to be on guard against those would hijack the ritual process, threatening the child's spiritual welfare. Parents could thus be forgiven for focusing as much on binding the child to God as on making sure that demons did not bind the child first. Superstitions surrounding the confinement of mother and baby, and the revelation of a child's name, all served to try to protect the child, and all those who came in contact with it in its unbaptised state, from demonic meddling and the evil eye.[36]

In modern Greek folk practice, protecting the first cuttings of infant's hair, as indeed any hair cuttings, from malign uses is given highest importance. Most traditional cultures teach that hair cuttings, as well as nail parings, need to be disposed of carefully, as providing potential raw material for all manner of sorcery.[37] Here is the type of contextual information so enticing for the historian, sadly lacking in the sources: what was done with the hair cuttings offered to the church as first fruits? Were they burned? Returned to the parents? Information from the medieval period to supplement the modern folklore and ethnography is scarce, but some fleeting clues can be found in manuscripts and monuments. In a tantalising note to this rite in his edition of the *Euchologion* (1667), Jacques Goar quoted the fourteenth-century canonist Matthew Blastares as saying that the priest hands the cuttings to the godparent, who mixes them into a ball of wax, which he then sticks to an icon of Christ.[38] Goar (1601–53), a Dominican friar who lived on Chios for 26 years, made the Eastern Church his life's work, through study of its medieval manuscripts, first-hand observation of Orthodox ritual, and discussions with contemporary Greek scholars.[39] Unfortunately, he does not elaborate on the phenomenon from his own experience, nor does he anchor it securely in a particular work of Blastares. Symeon of Thessaloniki mentions in passing in his early fifteenth-century discussion of baptismal tonsure (*koura*), that the priest should take the hair, not to throw it away but to put it in a 'sacred place' (*en topō hierō*).[40] Unfortunately, he does not specify what sort of 'sacred place' might be suitable.

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[36] Baun, 'Fate of Babies', 124; C. Stewart, *Demons and the Devil: Moral Imagination in Modern Greek Culture* (Princeton, NJ, 1991), 55, 213–14, 208; Wilson, *Magical Universe*, 215–40.

[37] For example, R. and E. Blum, *The Dangerous Hour: The Lore of Crisis and Mystery in Rural Greece* (London, 1970), 32, 34, 130.

[38] Goar, *Euchologion*, 308; I have not found any reference to this in standard editions of Blastares.

[39] 'Jacques Goar', *The Catholic Encyclopedia* (New York, 1913), online @ http://www.newadvent.org/cathen/06606c.htm.

[40] Symeon of Thessaloniki, 'On the Sacraments' §67, *PG* 155: 232D.

Other references to such practices may yet come to light in written sources, but in the meantime, modern devotional practice at the ancient White Monastery in Upper Egypt, founded by Shenoute in the fifth century, offers an intriguing postscript to Goar's ritual note.[41] Archaeologists studying the remains of the monastery church discovered that a particular pier in the south wall of the original fifth-century basilica had become a focus for devotional deposits and votive offerings, mainly messages written on small pieces of paper, and wedged into holes in the medieval brick, or nailed into the brick and the remains of its former plaster covering.[42] In and among the slips of paper, however, stuck into neat holes bored into the brick, they also found wads of hair and wax. My informant was not able to find anyone among the current monks or congregation willing or able to speak about the practice of stuffing hair and wax into the holes, but it presumably serves a votive or prophylactic purpose for modern-day Coptic Christians.

Rituals concerning hair were not limited to baptismal tonsure: other significant milestones, such as the first haircut, or first beard trimming, might also be marked. The *Euchologion* preserves multipurpose prayers which could bless the cutting of either the hair or the beard as a first-fruits offering (discussed below). Evidence from the medieval West can help to put such prayers in context, since marking of the first haircut is well documented for boys in medieval western Europe, from Ireland to Poland, as an important rite of passage, heavy with social (and sometimes political) significance – and an occasion for parties.[43] Sources from both ends of the Middle Ages suggest that the Church was always involved in some way: early Frankish service books included prayers *ad capillaturam incidendam* ('for the first haircut'); an early fourteenth-century witness 'stated that parish priests in Pavia received offerings "at the blessing of the hair of male children"'.[44] In early medieval Frankia, the hair-cutting ceremony could create bonds of kinship similar to those of baptismal sponsorship, as when Charles Martel, in the late 730s, enlisted the Lombard King Liutprand to cut the hair of his son Pepin: Paul the Deacon commented that in 'cutting his hair, he became a father to him …'.[45] Byzantine evidence is more sparse, but undeniably grand: the Byzantine *Book of Ceremonies* relates the magnificent solemnities which surrounded the first haircut of the boy Leo VI (born 866, co-emperor from 870), performed by the patriarch.[46] It is not

[41] For the White Monastery Project, see http://www.yale.edu/egyptology/ae_white.htm.

[42] Personal communications, Elizabeth Bolman, 14–15 April 2010.

[43] R. Bartlett, 'Symbolic Meanings of Hair in the Middle Ages', *Transactions of the Royal Historical Society*, 6th ser., IV (1994), 47–9.

[44] Bartlett, 'Symbolic Meanings', 47–8.

[45] Bartlett, 'Symbolic Meanings', 48.

[46] M-F.Auzépy, 'Prolégomènes à une histoire du poil', *Travaux et mémoires* 14 (2002), 11; G. Dagron, 'Nés dans la poupre', *Travaux et mémoires* 12 (1994), 121–2; for later medieval Jewish rituals surrounding a boy's first haircut, see I. Marcus, *Rituals of Childhood: Jewish Acculturation in Medieval Europe* (New Haven, 1996), 127–8.

far-fetched to think that more normal children may also have had prayers recited at home upon the occasion of their first haircut, perhaps followed by a party.

Ritual *Lacunae*: Where is the Byzantine *Bar Mitzvah*?

One of the big questions for Byzantine rites of passage is the apparent lack of a ceremony to mark a young person's assumption of full religious responsibility and ritual obligation, an Orthodox Christian equivalent to the Jewish Bar Mitzvah at age 13, when the Jewish boy first reads the Torah in public, the Roman Catholic first confession and First Holy Communion at age seven, or the circumcision of boys at age seven in Islam, with all their attendant social customs. Byzantine secular legal texts typically fix the age of responsibility at seven, but canon lawyers and commentators were more hesitant to impose a 'one-age-fits-all' definition.[47] When asked 'At what age should a man and a woman be received for [sacramental] confession (*exagoreusis*)?' the twelfth-century canonist Theodore Balsamon, while noting conciliar precedent for the age of six, stressed that children matured at different times, with puberty reckoned at age 14 for boys and 12 for girls, and offered the opinion that children ought to go to confession after that age, as they could now be held accountable for sins, and were now susceptible to impurity and other types of sin.[48] But no obvious formal rite seems to have developed in Byzantium – or at least, none has left any trace in the *Euchologion* – to mark the attainment of the age of religious responsibility, which seems puzzling.

Here, the strength of baptism in Orthodox sacramental theology is evident – the Byzantine child 'came of age' as a fully-fledged Christian at the moment of baptism, which was followed immediately by chrismation and reception of Communion, even if he or she was only a tiny baby. The 'First Communion' rite at age seven that had developed by the thirteenth century in western Europe in fact testifies to the decline of infant Communion in Latin churches, criticised by Symeon of Thessaloniki in the early fifteenth century.[49]

Rites for Beginning Primary Education

The only rite for Byzantium in any way analogous to such 'age of religious responsibility' rites in later medieval west European Christianity and Judaism, or which at least may have been performed around the same time in a child's

[47] G. Prinzig, 'Observations on the Legal Status of Children and the Stages of Childhood in Byzantium', in Papaconstantinou and Talbot, *Becoming Byzantine*, 24–7.

[48] Theodore Balsamon, *Responsa ad interrogationes Marci* §48, *PG* 138: 995C–998A; see also Patlagean, 'L'Enfant', 93.

[49] Symeon, *Sacraments* §69, *PG* 155: 236C-D; Horn and Martens, *'Let the Little Children'*, 292–4; Marcus, *Rituals*, 114.

life, is perhaps prayers preserved in the *Euchologion* for the beginning of religious instruction. Two prayers are most commonly found in *Euchologia* for 'when a child begins to learn the sacred letters'.[50] Verbose and fairly conventional, after invoking the wise kings, prophets and apostles of the Bible, the prayers beseech God to open the heart, mind and lips of the child to receive instruction profitably, and to illumine its heart and mind with the grace of sacred knowledge.

Many questions need to be asked of these 'sacred instruction' prayers. Did they accompany a one-time rite of passage, perhaps when the child was first taken to a priest or spiritual father for religious instruction (and if so, at what age?), or could they be used to hallow educational endeavours more generally? The words are general enough to have been deployed at numerous stages of education for the Byzantine child, from beginning to learn the alphabet, to the start of formal schooling, to beginning instruction on how to follow the services in liturgical books or how to chant Psalms and prayers, or beginning to learn a formal catechism. And *which* Byzantine children? All children, or only those explicitly offered for church service or to monasteries? Male children only, or girls as well? Goar translated the original Greek *pais* with the Latin *puer*, but is it certain that only boys received formal religious instruction? The *Euchologia* themselves provide no further explanation or contextual clues, and, in the absence of descriptions of similar prayers or rites in literary sources, it is difficult to know exactly how to place these prayers. It is an area for which uncovering context from hagiography, memoirs, letters and other sources, as well as comparanda from other religious traditions, is crucial.[51]

Following on immediately from the generic 'sacred letters' prayers in the *Euchologion* is something even more enigmatic and interesting: an entire prayer service (*akolouthia*) dedicated '*eis paidas kakoskopous*'.[52] *Kakoskopos*, literally, means 'bad to look at', but this is clearly not a rite for unattractive children. It is not a common word: Lampe's *Patristic Greek Lexicon*, on the basis of only two citations, this same *Euchologion* prayer and a late Byzantine magical ritual (discussed below), interprets *kakoskopos* to mean 'tiresome' or 'difficult'.[53] While a rite to deal with tiresome pupils might be dear to the hearts of all who teach, the content of the prayers makes it clear that they refer not to children who are naughty or disruptive but to those who are having trouble learning their letters, paradigms or Psalms.

The *Euchologion* prescribes extended liturgical measures: it is a long service, with at least 12 hymns and prayers to be chanted over the head of the weak or difficult pupil, presumably by a priest or deacon. Inability to learn one's sacred letters was evidently taken with utmost seriousness. The main prayers invoke all the inspired and illumined figures of the Bible, and refer to Jesus' transformation

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[50] Goar, *Euchologion*, 572–3; cf. Hapgood, *Service Book*, 519–23.

[51] For rituals which developed in medieval northern Europe surrounding the young Jewish boy's first introduction to learning the Hebrew alphabet, see Marcus, *Rituals*, *passim*.

[52] Goar, *Euchologion*, 573–5.

[53] Lampe, *Patristic Greek Lexicon*, 696.

of his originally illiterate disciples into teachers. Jesus' miracle working, and the linguistic miracle of Pentecost, are also invoked:[54]

> Lord Jesus Christ our God, who dwelt in the hearts of the twelve Apostles without dissimulation by the grace of thy Holy Spirit when it descended in the form of tongues of fire, and opened their lips, and they began to speak in other languages; the same Lord Jesus Christ our God, send out thy same Holy Spirit upon the present child, N., and implant in the ears of his heart the sacred letters, which thine undefiled hand inscribed on the tablets for the lawgiver Moses. Now and ever, and unto the ages of ages. Amen.

> Lord Jesus Christ our God, who dwelt in and illumined the hearts of the twenty-four presbtyrs, and of thy holy disciples and apostles, and of thy holy apostles and evangelists, John, Matthew, Mark and Luke; who incited and illumined the holy protomartyr Stephanos, so also now, Lord, illumine the heart of your servant, N., by the prayers of our all-praised Lady Theotokos and ever-virgin Mary, by the power of the venerable and life-giving Cross, of the venerable and glorious prophet and forerunner, the Baptist John, of the holy, glorious and all-famed Apostles, of the holy apostle Mathias, of the holy martyrs Agapetos, Prokopios, Philetos, and all the saints. For Thou art the illumination of souls and of bodies, and to Thee we give glory, with thy Father who is without beginning, and thine all-holy, and good, and life-giving Spirit …

It is easy to sympathise with children who were baffled by formal Greek, or had trouble memorising paradigms or Psalms – even some of those who later became saints, report their hagiographers, had needed divine intervention in these areas.[55] But what if, after having gone through this service, the child still couldn't tell alphas from omegas? Desperate parents might have recourse to stronger rites. A. Vasiliev included in his *Anecdota Graeco-Byzantina* two wonderful survivals, from fifteenth- and sixteenth-century manuscripts, of rites to help children who have been placed under 'special educational measures'. The first is a prayer '*eis paidin kakoskopon*', preserved in a magical manuscript in the Vatican Library, dated 1497:[56]

> Take the child to the church and let the child fast, and sponge off all the divine things, as many as happen to be in the church, and the babies and the archpriests and as many feasts [that festal icons] as there happen to be without Crucifixion and Ascension and martyrs, and sponge them with pure wine by means of cotton and put this squeezed-out liquid in the arcaded part of the church [i.e. the templon screen], and let him say four prophecies upon the head of the child: two of the Sunday of the Palms, and two of Pentecost, and after this, let him chant the Trisagion and let him read the Apostle of Bright Sunday upon the head of the child and let him again chant the Alleluia, and let him read the Gospel of the Bright <Sunday> and the 50th Psalm thrice, and let him quench [*sbysē*] the characters from the tray where he had them

[54] Goar, *Euchologion*, 573–5.

[55] B. Caseau, 'Childhood', 156.

[56] Incantation no. 29, '*eis paidin kakoskopon*' (Cod. Barberini III, 3, anni 1497), ed. A Vasiliev, *Anecdota Graeco-Byzantina* (Moscow, 1893), 341–2.

> written, save let him make the holy oil, that is to say, let him write the characters with ink and let him put them in the glass of the priest and let them light 24 candles for the names of the 24 presbyters and let him pour <it> into the child from the arcaded part of the church and make sure that this doesn't drip down, and let him say the following prayer: 'Lord our God, who made victorious and illumined the names of the 24 presbyters, and the hearts of Melchisidek, Dēmētrios, Spekoulatoras, Flouros, Mermētios, Metaros, Chouse, Bēltion, Mnēstē, Iēsous, Hylēthour, Theldaiou, Adativaōth: do you illumine, do you correct the mind of God's servant, N., for the learning of letters. Chrysostom, the luminary of the world, and Basil the wise, revealer of heaven, and Gregory the Theologian: do you illumine the mind and the heart for the learning of letters'. And after that, let him make great supplication, and let him say the Kyrie eleison secretly 24 times, and out loud 12 times. And after that, let him open the Apostle, and let him read whatever comes up.

Vasiliev also found a shorter version of the magical rite for learning letters in a sixteenth-century manuscript, a rite '*eis paidion hopou va mathē grammata*':[57]

> Write down the names of the 24 presbyters who are present before God in a glass vessel, inside and outside, and pour in water and wine, and put it below the Holy Table and let it be sanctified by the Liturgy, and take it and pour <it> into the child, by the intercessions of the Theotokos and all the saints. These are the names of the honorable presbyters: Silouános, Iōdēmélaos, Koryphoblepōn, Didáktikos, Domaxíleos, Sýnippos, Synadolítēs, Michádōn, Kybokōmatos, Sēmakéneos, Sēdekéneos, Kesapólitos, Hēdymos, Echēmōn, Métrios, Sophōtatos, Psalymatikós and Kosmianós.

Both rites raise many more questions than can be treated within the scope of this paper, which will confine itself to some preliminary explications and observations. First, the two rites have in common mysterious figures called 'the 24 presbyters': these are the 24 elders of the apocalypse, in Revelation 4:4, who sit before the throne of God, on 24 thrones, wearing 24 golden crowns. They appear frequently in late antique magical texts as powerful names, and are also mentioned in the second of the 'official' primary-education prayers in the *Euchologion*.[58] Neither John's apocalypse nor the official prayer lists individual names, but the magical spells do, often in radically different versions. Second, both are clearly instrumental, magical rites, designed to secure a particular outcome by drinking a potion made through contact with holy objects – icons or manuscripts – either by sponging them with wine and squeezing the liquid out, or by scraping off inked letters and dissolving the flakes in a liquid. The drinking of letters dissolved in liquid was a common magical practice in the ancient world, with testimonies surviving from Mesopotamia, Greece and Judaism, although it was more often used by adults as

[57] Incantation 30, '*eis paidion hopou va mathē grammata*' (Cod. Vindob. philolog. 108, fol. 32, saec. XVI), ed. Vasiliev, *Anecdota*, 342.

[58] Late antique Coptic examples in M. Meyer and R. Smith, eds, *Ancient Christian Magic: Coptic Texts of Ritual Power* (San Francisco, 1994), 103–4, 118, 193, 262, 268.

a memory-improvement ritual.[59] Medieval and modern equivalents are found in Jewish and Muslim folk practice in some communities, by which boys beginning to study sacred Scripture consume letters, Hebrew or Arabic, written in honey, or eat cakes with Hebrew letters.[60] A Syriac manuscript of late antique or early medieval date in the Bodleian Library contains a magical 'prayer for a boy whose parents wish to introduce him to book learning: they should bring him to the priest who gives him to eat this prayer written out on the loaf of bread'.[61] Finally, as with the Jacobite prayer, both the Byzantine magical texts seem to expect a church setting, and would need at least the cooperation, if not the collaboration, of a priest or deacon, given the privileged access to holy things, the Scripture readings, and the incubation of liquid under altar; in the second case, during the Divine Liturgy. The parents of the child would need to find a very sympathetic priest indeed, and one wonders what the bishop would have said had he found out.

The juxtaposition of such 'official' and 'unofficial' rites for children with special educational needs exposes a fuller and more creative – even innovative – Byzantine ritual life than is usually discussed. Once more, we see a dual, even hybrid, authority being exercised, as priests and parents meld canonical elements with magical rites and names, to enhance the rite's potency.

Puberty Rites: Beard Cutting and Head Covering

After naming, baptism and learning letters for the Byzantine child came puberty, the age at which a child could legally be married, usually reckoned as 12 years of age for a girl and 14 for a boy, following Roman law and custom.[62] There were also the dangers of sexual temptation to be negotiated. Once more, the *Euchologion* was there to help safeguard this dangerous liminal time, with prayers for the first cutting of a boy's beard and for the covering (literally, 'binding') of a girl's head, which come directly after the baptismal section. How often were such rituals performed, and where, and among which social classes? Were they for all children, or only for those who were to be dedicated to the church? Miguel Arranz, the great modern liturgist and student of the *Euchologion*, rejected the suggestion that the prayers indicate rites of setting apart the young people for church service – the boys as incipient priests; the girls as consecrated virgins.[63] Based on his analysis of

59 Marcus, *Rituals*, 24, 137 n. 24.

60 Marcus, *Rituals*, *passim* and esp. 24–5.

61 Oxford, Bodleian, Syriac MS Pococke 10, f. 4a, as discussed in Marcus, *Rituals*, 59–63; quotation at 60.

62 Prinzig, 'Observations', 20–3, 28–9; Pitarakis, 'Material Culture', 167–8 with n. 1.

63 Arranz, 'Sacrements' (9), *OCP* 55 (1989), 61; see Bartlett, 'Symbolic Meanings', 47 n. 22, for a similar view of Latin rite hair-cutting prayers; for conscrated virgins, see P.R.L. Brown, *The Body and Society: Men, Women, and Sexual Renunciation in Early Christianity* (New York, 1988), 259–71, 355–7.

both the content and context of the prayers, he characterises them rather as rites of passage in the social life of adolescents.

Of the two, the covering of a girl's head (Arranz called it 'veiling') is more consistently presented in the *Euchologion* manuscripts than the boy's first beard cutting. Beard-cutting blessings may not have been as common, or may have been treated with less formality. The latest manuscript consulted by Arranz, from the fourteenth century, includes a beard-cutting prayer, but notes that the rite was no longer in use. The first beard cutting thus does not jump out of the *Euchologia* as a strong cultural rite for the boy going into adulthood – otherwise, we would surely hear of it from other sources. It does not carry the force of the Bar Mitzvah for Jewish boys, or the capping ceremony practised for upper-class boys in imperial China.[64] The prayers 'for the first cutting of the beard' clearly envision the involvement of a priest, though whether in church or at home is not spelled out. The manuscripts offer two different versions:[65]

(Earlier) prayer for the first cutting of the beard

O Lord, God of the powers, Father of our Lord Jesus Christ, who by thy economy has chosen us, the lowly and sinners, in the ministry of the priesthood, so that through us thy faithful people may meetly worship thy name, we pray Thee and we supplicate Thee, Lord our God, Pantokrator: bless the works of our hands; and as the benediction came down upon the head of Aaron, and upon his beard, and as the dew of Hermon went down upon Sion's mountains, even so let thy benediction come down upon the head of this thy servant, and upon his beard. For to thee belong all glory, honour, and worship, to the Father and to the Son.

(Later) prayer for the cutting of the beard or hair

O Lord our God, who from non-being into being has brought forth all things, as manifest tokens of thy magnificence, and has not only adorned man with thine intelligent and rational image to different degrees, but also beautified him with different kinds of hair: do Thou thyself adorn, with all thy divine gifts, this thy servant, N., who for the decency of his appearance has cut his own beard (or hair); and let thy blessing descend upon his head and beard, as it descended upon the head and beard of Aaron; for thy glory, who has told us to do all things for thy glory, as thy servant is beginning to do the cutting of his beard (or hair). For to Thee belong all glory, honour and worship, to the Father …

Head-covering prayers for girls are more common, appearing in most *Euchologion* manuscripts.[66] Whether the prayer was pronounced by a priest or simply by any literate person is not clear, but it is obvious that the involvement of an older woman is called for, to perform the ritual act of 'binding' or covering the head. In the translation that follows, italicised words indicate readings from the earlier version

64 A. Waltner, 'The Moral Status of the Child in late Imperial China: childhood in ritual and in law', *Social Research* 53 (1986), 668–77.

65 Goar, *Euchologion*, 308–9; Arranz, 'Sacrements' (9), *OCP* 55 (1989), 54–7.

66 Arranz, 'Sacrements' (1), *OCP* 48 (1982), 329.

of this prayer, as found in a group of three early manuscripts, edited by Miguel Arranz, rather than the shorter, later text in Goar's edition.[67]

Prayer for binding up the female head

O God, our God, who has spoken by the prophets and proclaimed the illumination of thine knowledge to be in these last generations for all the nations; who does not wish that any of the persons created by Thee should not partake of thy salvation; *who has ordained that we do all things for thy glory*, and who has established laws by thy chosen vessel, thy apostle Paul, for the men who conduct themselves in faith and for the women; such that the men with an uncovered head offer praise and glory to thy holy name, but the women, *armed in thy faith*, with the head covered, with modesty and prudence adorning themselves in good works and presenting hymns to thy glory: *Master of all things*, bless also this thy servant, and adorn her head with an adornment pleasing *and desirable* to thee, *with decorum, and also honour, and dignity*; that, walking according to thy commandments, and educating her members in prudence, she may gain thine eternal goods, *together with the [female] one who veils her* [*syn tē anadeinousē autēn*], in Christ Jesus our Lord, to whom is due glory, with the Holy Spirit, now and ever, and unto the ages of ages. Amen.

Editors of *Euchologion* manuscripts, both ancient and modern, have typically labelled this prayer as one for the 'veiling' of a girl, but the verb used in the title and in the prayer itself is *anadeo*, 'bind, tie up, wreath, crown', rather than *kata-* or *epi-kalypto*, 'cover up' or 'veil'. It is literally a 'Prayer for binding up the female head': *Euchē epi to anadēsthai kephalēn gynaika*.[68] The scriptural context for the prayer is of course 1 Corinthians 11:3–10, which calls for women to cover their heads in church – but the verb used in the prayer is not *katakalypto*, 'cover up', as in the Pauline passage, but *anadeo*. The substantive derived from it, *anadesmē*, refers in Greek literature not to a veil but to a hair or headband, as found in the *Iliad*, Euripedes, the *Greek Anthology* and Agathias.[69] Such a band would hold the hair back underneath an outer head covering.

Just what is this 'binding'? Does it refer to the veiling or covering of the head, as Goar and later editors have assumed? Or might it denote 'binding' in the sense of leaving behind the informal, loose hairstyle of the girl, by tying or putting up the hair in the more formal hairstyle of the woman, as young women have done throughout the ages? Girls in imperial China had just such a ceremony to show they had become adults: the pinning up of the hair at puberty, observed between the ages of 13 and 15.[70] The most common word used in medieval Byzantium for veiling, or covering up, a woman, seems to be *epikalypto*, to cover over, shroud, or veil. Anna Komnene uses this verb when she talks about the *othonē*, the simple

[67] Goar, *Euchologion*, 309; Arranz, 'Sacrements' (9), *OCP* 55 (1989), 57–8.

[68] Goar, *Euchologion*, 309; Arranz, 'Sacrements' (9), *OCP* 55 (1989), 57.

[69] H.G. Liddell, R. Scott, and H.S. Jones, eds, *A Greek–English Lexicon*, 9th, rev. edn (Oxford, 1978), 103, at *anadesmē*.

[70] Waltner, 'Moral Status', 671–3.

white veil found in many illustrations and donor portraits.[71] In manuscripts, church programmes and donor portraits, women are often seen wearing a white veil that covers the head and comes to the shoulders.[72] In contrast, when ordinary young girls are depicted, as in Nativity and Candlemas scenes, they are typically shown with uncovered heads and long, wavy hair – but their head is often shown wrapped round with one or two white ribbons; might such ribbons constitute the 'binding' of which the prayer's title speaks?[73]

Binding, tying, covering, veiling? It is one of those things that 'everyone knows' about Byzantium – that upper-class women were veiled and secluded – but were they really? And what exactly was being 'veiled', the head or the face?[74] Previous generations of Byzantinists have clearly written of Byzantine veiling with visions of the Ottoman harem in mind, but there is little evidence to suggest that Byzantine women routinely covered their faces with a veil, save in exceptional circumstances, or times of danger, when they might need to pass by unrecognised.[75] Veiling and domestic seclusion for decent women was without doubt a potent literary convention, as Angeliki Laiou, Lynda Garland, Alexander Kazhdan, Timothy Dawson and Antony Kaldellis among others have demonstrated.[76] Psellos on the virtues of his mother, whom he says never appeared in public 'unveiled', comes to mind, as do any number of other modest, sober, decent Byzantine women, who have come down to us mostly in literary representations by men. But as Laiou, Garland, Kazhdan and most recently Dawson and Kaldellis have documented, what can be recovered of the reality of women's lives often suggests otherwise.

For the head-covering side as against the 'binding or pinning up the hair' hypothesis, it is true that the sense of the *Euchologion* prayer is certainly the Pauline injunction to women to cover their heads – but is this only when in

[71] M. Emmanuel, 'Some Notes on the External Appearance of Ordinary Women in Byzantium', *Byzantinoslavica* 56 (1995), 773; Anna Komnene, *Alexiad* II.v.8, ed. B. Leib, *Alexiade*, v. 1 (Paris, 1937), 78.

[72] For example, representations in medieval Greek churches of non-monastic saints and donors in S. Gerstel, 'Painted Sources for Female Piety in Medieval Byzantium', *Dumbarton Oaks Papers* 52 (1998), esp. figs. 3, 4, 6, 8, 15; also in T. Dawson, 'Propriety, Practicality and Pleasure: the Parameters of Women's Dress in Byzantium, A.D. 1000–1200', in L. Garland, ed., *Byzantine Women: Varieties of Experience 800–1200* (Aldershot, 2006), 67–8;

[73] Emmanuel, 'Some Notes', 774–6; Dawson, 'Propriety', 43, 48.

[74] As Dawson ('Propriety', 61) comments: 'The English "veil" (likewise the French "voile") has always been used so vaguely that nothing useful can be read from it for the purposes of discussion'.

[75] Dawson, 'Propriety', 61–3.

[76] A. Laiou, 'The Role of Women in Byzantine Society' *Jahrbuch der Österreichischen Byzantinistik* 31/1 (1981), 249–60; L. Garland, 'The Life and Ideology of Byzantine Women', *Byzantion* 58 (1988), 361–93; A. Kazhdan, 'Women at Home', *DOP* 52 (1998), 2–10; Dawson, 'Propriety', 60–3; A. Kaldellis, 'The Study of Women and Children: methodological challenges and new directions', in P. Stephenson, ed., *The Byzantine World* (London, 2010), 66.

church or all the time? What Paul actually says in the 1 Corinthians passage is that it is a disgrace for a woman to pray or prophesy with head uncovered – the extent to which Paul or later Christian writers thought women should also be veiled outside religious ritual is open to debate. In common with most Christian women attending sacramental churches until recent times, Byzantine women most certainly did cover their heads in church, and particularly to receive Communion.[77] For a woman to receive Communion with uncovered head was a grave breach of propriety. It posed a particular problem for the so-called 'transvestite nuns', women who passed as men in order to join a monastery, a popular subject in late antique hagiography. Alexander Kazhdan notes how one such heroine is said to have solved the problem:[78]

> When the gender of the fifth-century St Matrona of Perge was revealed, the abbot asked her how she, a woman, dared to approach the holy Eucharist with her head uncovered (as men would do), and Matrona described to him the trick she used to avoid discovery and at the same time to comply with the prohibition imposed on women: she claimed to suffer from a headache and raised her pallium over her head.

Head covering for young women: in church only, or all the time? The version of the medieval prayer most commonly found in *Euchologia* can be read both ways. But the theme of putting aside carefree girlhood is unambiguous. Yet it is all expressed remarkably positively. Note the striking image mid passage: the maiden is armed – *kathoplimenai* – to do battle as a virtuous Christian woman, with the full armour of virtue: modesty, prudence, decorum etc. There is none of the negativity found in famously cranky church fathers such as Tertullian and Jerome, when they discuss the veil as covering sexual shame.[79]

Conclusions

The material on Byzantine rites of passage is in most cases more elusive than we would like, but even this short survey demonstrates the richness of the field. The Church, working together with parents, godparents, the extended family and certain non-clerical ritual specialists, eased and safeguarded the passage of the Byzantine child into adulthood through a series of ritual actions, which gradually integrated him or her into the full identity and stature of the adult Christian Byzantine, and provided social and supernatural support and protection at crucial life stages.

[77] Head covering in church for women was common among orthodox Catholic Christians until recent times, and is still found in Eastern Orthodox, Roman Catholic, and even some Anglican churches, especially in India and Pakistan

[78] Kazhdan, 'Women at Home', 15.

[79] Brown, *Body and Society*, 79–82.

We see in these rituals a shared authority and a shared agency. The 'Byzantine quadrilateral' of Scripture, the canons, episcopal authority and the Fathers provided canonical foundations and theoretical boundaries for such rites. But as we have seen, parents could call the shots in important ways, for example defying the Church's preferences on naming. And parents often wanted a little more, a little more assurance that everything possible had been done to ensure the supernatural well-being of their child at his or her moment of transition. Spells and alternative ritual practitioners, suitably Christianised, were available to help.

In much of her work, Judith Herrin has helped us to revise and nuance the received wisdom about Byzantine institutions, whether imperial or ecclesiastical. Taking us beyond conventional images of Byzantium as static, authoritarian, top-heavy and top-down, she has shown us instead a society characterised by fluidity, diversity, complexity and nimble adaptation, and she has recovered the names and lives of some neglected agents who played key roles. In this short study, I have tried to follow in the path she has indicated, showing how the safe passage of Byzantine children to adulthood was a complex, fluid and sometimes surprising business, conducted by multiple agents, not all of whom were ordained or necessarily even literate. I offer it in gratitude to Judith for her scholarly and personal example, her sure guidance across many dangerous liminal zones in the academic rites of passage, and above all, for her patient, persistant encouragement of her students, through thick and thin, bearing with us through our more 'kakoskopic' moments.

9

The Authority of the Church in Uneasy Times: The Example of Demetrios Chomatenos, Archbishop of Ohrid, in the State of Epiros 1216–1236*

Günter Prinzing

Introduction

The term *authority* as expressed in Byzantine Greek has not yet been sufficiently researched with a view to the special nature of episcopal authority in Byzantium. However, Reinhart Staats has made the following observation:

> Quite certainly the episcopal '*auctoritas*' and '*potestas*' developed quite differently in the West than in the East. What is striking is not just the lack of a term in Greek corresponding to the Latin '*auctoritas*', but also the history of the Greek term ἐξουσία, most closely corresponding to the Latin '*potestas*' in the Eastern church, where ἐξουσία as 'ecclesiastical authority' is much less restricted.[1]

* I would like to thank Judith Herrin for her various thoughtful suggestions and John M. Deasy, Mainz, for his painstaking translation of this paper, a slightly revised version of that delivered orally to include necessary documentation and pertinent additional observations.

[1] R. Staats, 'Kanon und Kapitaldelikte. Zwei Grundbegriffe im Gesetzesverständnis westlicher Patristik', in W. Seller, ed., *Das Gesetz in Spätantike und frühen Mittelalter*, 4. *Die Funktion des Gesetzes in Geschichte und Gegenwart* (= *Abhandlungen der Akademie der Wissenschaften in Göttingen, philosophisch-historische Klasse, 3. Folge, Nr.196*, Göttingen, 1992), 44: 'Sicher ist im Westen ganz anders als im Osten die bischöfliche "*auctoritas*" und "*potestas*" zur Entfaltung gekommen. Auffallend ist nicht nur das Fehlen eines der lateinischen "auctoritas" entsprechenden Begriffes im Griechischen, sondern auch die Begriffsgeschichte des der lateinischen "potestas" am ehesten entsprechenden griechischen Begriffes ἐξουσία in der Ostkirche, wo ἐξουσία als "geistliche Vollmacht" viel weniger gebunden ist'. Compared with this it seems useful to quote the following entries from the *Lexikon zur byzantinischen Gräzität* by Erich Trapp related to secular 'authority'. They prove a certain variety of terms: ἀκτωρία, ἡ, *Autorität* (authority); ἀνηγεμονικός, *ohne Autorität* (without authority); ἀρχηγεσία, ἡ, *Herrschaft, Autorität* (rule/sovereignty, authority); ἀρχοντικῶς, *durch weltliche Macht,*

Nonetheless it is interesting also to compare Staats' observation with the general statements about the source of authority, the role of bishops in the Orthodox Church (up to modern times) and the nature of episcopal authority within the church, which are to be found in the recent book by J.A. McGuckin, *The Orthodox Church. An Introduction to its History, Doctrine, and Spiritual Culture* (Malden, MA and Oxford, 2008) especially in the chapter 'The Organization of the Orthodox Churches from Medieval to Modern Times'. There (29) we read inter alia:

> Bishops … have the special and particular office of teaching and guiding the flock … The authority of bishops is seen, and accepted, as the focused voice of the Lord's authority in his earthly Church. It is a great power that is cared for, and balanced, within the system of synodical oversight. But even so, Orthodoxy will never say that the bishop is the 'only' source of authority within Christ's Church. Accordingly it is not the bishops or the priests who are alone the 'voice' of the church … Orthodoxy, then, is deeply collegial in character as regards its understanding of authority and principles of guidance.[2]

With this spectrum of meanings for authority in the Orthodox sphere in mind, this chapter examines a specific case in which the practicalities of inherent and acquired authority within the Church are apparent.

The Historical Setting

The archbishop under discussion here was one of the leading ecclesiastical dignitaries in the so-called Despotate of Epiros, the westernmost of the three Byzantine rump states which emerged after the collapse of the Byzantine Empire in 1204 caused by the Fourth Crusade.[3] Its founder was Michael I Doukas (d. 1214) who had, after a period of alternating cooperation and struggle with the Latins,

herrschaftlich, als Herrscher, autoritär (through secular power, seigniorial [belonging to a ruler/nobleman/master], as ruler, authoritarian); γνωματάρχης, ὁ, *Autorität der Erkenntnis* (authority of perception [cognition]): παιδοτρίβης καὶ γ.; ἐξαυθεντέω *Autorität beanspruchen* (claim authority); ἐξαυθέντησις, ἡ, *Ausübung der vollen Autorität* (exercise of full authority). Dr S. Schönauer (Bonn) kindly provided this list of entries from the *Lexikon zur byzantinischen Gräzität* for which I would like to express my gratitude. All entries are to be found in vol. 1 (Vienna, 2001).

[2] But see below footnotes 33–7 and the related text.

[3] For a general introduction see *ODB*, s.v. Chomatenos, Demetrios; M. Angold, *Church and Society in Byzantium under the Comneni 1081–1261* (Cambridge, 1995; ²2000), 240–53 and 419–25; G. Prinzing, 'A Quasi Patriarch in the State of Epirus: The autocephalous archbishop of "Boulgaria" (Ohrid) Demetrios Chomatenos', in *Zbornik Radova Vizantološkog Instituta* 41 (2004), 165–82; Idem, 'Abbot or Bishop? The Conflict about the Spiritual Obedience of the Vlach Peasants in the Region of Bothrotos c.1220: Case No. 80 of the Legal Works of Demetrios Chomatenos Reconsidered', in D.G. Angelov, ed., *Church and Society in Late Byzantium* (Kalamazoo, 2009), 28–9; Idem, 'Epiros 1204–1261: Historical

as a vassal of the Venetians, established this 'principality' c.1210 with Arta, in the *thema* of Nikopolis, as its centre, on the still extant remains of the state structures of the former Byzantine Empire. From 1212 on, he annexed Dyrrhachion and the island of Kerkyra (Corfu), from where he expelled the Venetians. He also annexed Thessaly from the Latins, but had to leave the Scutari region to the Serbs.[4] However, under Michael's half-brother and successor, Theodore Doukas (1214–1230), the state expanded further to the northeast: Theodore expelled the Bulgarians from the territories around Achrida (Ohrid), Prespa, Beroia/Veria and Skopia (Skopje) and, with the conquest of Thessalonike towards the end of 1224, he also took the regions surrounding that city away from the Latins, marking the end of the Latin kingdom of Thessalonike. Shortly after Theodore had himself proclaimed emperor in the city in 1225/6 his rivalry with Emperor John III Vatatzes, who resided in Nicaea, like the exiled patriarch of Constantinople, drew towards its climax. The climax was reached in 1227 when Theodore, who had in the meantime occupied territory as far east as Adrianople, also had himself crowned and anointed as Byzantine emperor by Chomatenos in the cathedral of Hagia Sophia in Thessalonike.[5] Theodore's next objective was the reconquest of Constantinople. But in 1230 he made the mistake of campaigning against his own ally, Tsar Ivan Asen II of Bulgaria, in order to prevent him from becoming emperor of the Latin Empire as chosen regent for the young prince Baldwin II. The operation ended in an ignominious defeat at Klokotnica (to the north of Adrianople), and Theodore Doukas being held prisoner by the Bulgarians for seven years.[6]

His brother Manuel in Thessalonike succeeded as ruler (and self-proclaimed emperor from 1235 to 1237) over a truncated 'empire' that was again in part dominated by the Bulgarians, or at least heavily dependent on them.[7] Around

Outline – Sources – Prosopography', in J. Herrin, G. Saint-Guillain, eds, *Identities and Allegiances in the Eastern Mediterranean after 1204* (Aldershot, 2011), 82–99.

4 A. Stavridou-Zaphraka, 'The Political Ideology of the State of Epiros', in A. Laiou, ed., *Urbs Capta: The Fourth Crusade and its Consequences/La IVe Croisade et ses conséquences* (Paris, 2005), 313–14; *Eadem*, 'The Relations between Secular and Religious Authorities in the State of Epiros after 1204', in Angelov, *Church and Society*, 11–13; Lj. Maksimović, 'La Serbie et les contrées voisines avant et après la IVe croisade', in Laiou, *Urbs Capta*, 279.

5 Stavridou-Zafraka, Political Ideology, 314–20; *Eadem*, Relations, 12. For the consequences of this act see below.

6 G. Prinzing, 'Studien zur Provinz- und Zentralverwaltung im Machtbereich der epirotischen Herrscher Michael I. und Theodoros Dukas, Teil II', in *Epeirotika Chronika* 25 (1983), 46–8; M. Angold, After the Fourth Crusade: The Greek Rump States and the Recovery of Byzantium, in *The Cambridge History of the Byzantine Empire c.500–1492*, ed. J. Shepard (Cambridge, 2008), 737–8.

7 B. Ferjančić, 'Solunski car Manojlo Andjeo (1230–1237)', in *Zbornik Filozofskog Fakulteta u Beogradu* 16 (1979), 93–101; F. Bredenkamp, *The Byzantine Empire of Thessalonike (1224–1242)* (Thessalonike, 1996), 199–243 and A. Stavridou-Zafraka, 'The Empire of Thessaloniki (1224–1242)', in *Byzantiaka* 19 (1999), 220–2.

this time, possibly in the latter part of 1236, Chomatenos died.[8] It seems strange that we do not know where he was buried, since he was undoubtedly a foremost ecclesiastical personality, an archbishop of great authority and influence, and a leading canonist.[9] The reason for this was the subsequent turn of political events at the time of the Palaeologian reoccupation of the Ohrid region. As he was considered to be the incarnation of ecclesiastical support for the former but still active Epirotic separatism of the (Angeloi-)Doukai, the new political and ecclesiastical authorities seem to have imposed a kind of *damnatio memoriae* on nearly all traces of his name, and even on his portrait in frescoes or icons.[10]

Family, Education, Career and Position of Chomatenos

Chomatenos came almost certainly from a family with connections with the senior clergy in Constantinople, since we have documentary evidence of a patriarchal logothetes John Chomatenos from 1191.[11] Although we do not know any specific details about the education of Demetrios Chomatenos, he would seem to have concentrated mainly on the acquisition of rhetoric and a good knowledge of the law, especially canon law. At that time, the latter flourished in Constantinople (one may recall Theodore Balsamon). This is also shown in Chomatenos' work in which he rightly repeatedly refers to himself as a '*nomotriboumenos*', that is, a legal expert.[12] With his interest in ecclesiastical law, he succeeded in obtaining a post as deacon in the patriarchate's administration. Even before 1200, he became *apocrisiarios* (representative) of the autocephalous Archdiocese of *Boulgaria*/Βουλγαρία with its see in Achrida/Ohrid, that is, he became a kind of *nuntius* to the patriarchate for the archbishops of Ohrid of that time. In the course of this activity, he would have become thoroughly acquainted with the administrative practice of the patriarchate's chancellery. His later mentor, John Apokaukos (d. 1234/35), also worked there before becoming metropolitan of Naupaktos in about 1200.[13]

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[8] *Demetrii Chomateni Ponemata diaphora*, ed. G. Prinzing (Berlin, New York, 2002), 40* and n. 187.

[9] Angold, *Church and Society*, 240–53, 419–25.

[10] Prinzing, Quasi Patriarch, 180–1.

[11] *Chomateni Ponemata*, 3*–5*.

[12] D. Simon, NOMOTPIBOYMENOI, in J.A. Ankum, J.E. Spruit, F.B.J. Wubbe, eds, *Satura Roberto Feenstra sexagesimum quintum annum aetatis complenti ab alumnis collegis amicis oblata* (Fribourg, 1985), 173–283; Idem, 'Princeps legibus solutus. Die Stellung des Kaisers zum Gesetz', in D. Nörr, D. Simon, eds, *Gedächtnisschrift für Wolfgang Kunkel* (Frankfurt am Main, 1984), 490; *Chomateni Ponemata*, 8*–10*, 38*, 382 (No. 117), l. 35–9, and 505 s.v. νομοτριβούμενος, various references; Prinzing, Quasi Patriarch, 170–2; Idem, Abbot or Bishop, 28–9. On Theodore Balsamon cf. Angold, *Church and Society*, 8–9, 101–3, 148–57 et passim.

[13] *Chomateni Ponemata*, 5*–8*; Prinzing, Quasi Patriarch, 171; Idem, Abbot or Bishop, 28–9; on Apokaukos *ODB* s.v. *Apokaukos, John*; Angold, *Church and Society,* 213–31; V.

Around 1214/15, Chomatenos was appointed *chartophylax*, vicar-general as it were, to Archbishop Basileios Kamateros of Ohrid who, however, died in 1216. In the same year, Theodore Doukas appointed Chomatenos successor to Kamateros at the suggestion of the aforementioned metropolitan Apokaukos, and he was consecrated as archbishop.[14] Even before Chomatenos, some of the archbishops of Bulgaria/Ohrid were selected from among the clergy of the patriarch's central administration or Constantinople's cathedral clergy, this also being true of the most famous among them, Theophylact of Ohrid, c.1090–1125/6.[15] Chomatenos thus belonged to the type of '*Comnenian bishop*' defined by Michael Angold:

> the Comnenian Bishop was a more powerful figure than his tenth-century predecessor. He was more often than in the past a former member of the patriarchal clergy with an excellent education, a training in law, and a high conceit of episcopal authority and responsibilities. He was imbued with a belief in the autonomy of the church.[16]

He made his career on the basis of his knowledge that had been refined while on the staff of the officials of the patriarchal administration.

The archbishopric of *Boulgaria*/Ohrid, of which Chomatenos became head, had formed an autocephalous ecclesiastical province of the Byzantine empire since 1025 and should not be confused with the territory and institution of the church in the Bulgarian Empire of the Asenides.[17] Hence it did not belong to the patriarchates

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Katsaros, ''Ὁ Ἰωάννης Ἀπόκαυκος καὶ ἡ σχέση του μὲ τὴ ἐπισκοπὴ Ἰωαννίνων κατὰ τὰ τελευταῖα χρόνια τῆς ζωῆς του', in C.N. Constantinides, ed., *Medieval Epiros: Proceedings of a Symposium (Ioannina 17–19 September 1999)* (Ioannina, 2001), 123–50; K. Konstantinides, 'Ἀπὸ τὴν πνευματικὴ ζωὴ τοῦ κράτος τῆς Ἠπείρου', in Constantinides, *Medieval Epiros*, 234–7.

[14] *Chomateni Ponemata*, 10*–15*; Prinzing, Quasi Patriarch 172*–73*; Idem, Abbot or Bishop, 29, 39 n. 13.

[15] On the archbishops of Ohrid before Chomatenos cf. H. Gelzer, *Der Patriarchat von Achrida: Geschichte und Urkunden* (Leipzig, 1902, reprint Aalen, 1980), 8–9, 11–12; I. Snegarov, *Istorija na Ohridskata arhiepiskopiia (ot osnovavaneto i do zavladiavaneto na Balkanskiia poluostrov ot turcite)* (Sofia, 1924, reprint 1995), 195–207; R. Janin, *Bulgarie*, in *Dictionnaire d'historie et de géographie ecclésiastiques* 10 (1938), 1150; G. Prinzing, 'Wer war der "bulgarische Bischof Adrian" der Laurentius-Chronik sub anno 1164?', *Jahrbücher für Geschichte Osteuropas* 36 (1988), 552–7; E. Büttner, *Erzbischof Leon von Ohrid (1037–1056): Leben und Werk (mit den Texten seiner bisher unedierten asketischen Schrift und seiner drei Briefe an den Papst)* (Bamberg, 2007), 23–70. On Theophylact in particular see Angold, *Church and Society*, 158–72, here 160, (and passim); M. Mullett, *Theophylact of Ochrid: Reading the Letters of a Byzantine Archbishop* (Aldershot, 1997), 223–77; G. Podskalsky, *Theologische Literatur des Mittelalters in Bulgarien und Serbien (865–1459)* (Munich, 2000), 233–5 et passim.

[16] See Angold, *Church and Society*, 260, cf. also 4, 156–7, and 252–62.

[17] *Chomateni Ponemata*, 6* (note 21) and 14*–15*; Prinzing, Quasi Patriarch, 168; Idem, Abbot or Bishop, 27; Podskalsky, *Theologische Literatur*, 71–9. Although referring to the eleventh century, Mullett, *Theophylact,* 54–69, offers an excellent introduction to the different Bulgarias.

of Constantinople or Tărnovo, but was, as it were, autonomous, enjoying the same status as the Orthodox Archbishopric of Cyprus until c.1223.[18] After the loss of all the Serbian bishoprics in 1219, his archbishopric consisted of 12 bishoprics, covering in particular vast areas of the present-day Republic of Macedonia, parts of central and southern Albania and northwest Greece east of the river Vardar/Axios.[19] Apart from the archbishopric of Ohrid, there was a series of further metropolitan dioceses in the state of Epiros which were subject to the patriarch now resident in Nicaea.[20] The dichotomy of the ecclesiastical administrative structure in the state of Epiros underpinned disputes that arose between the patriarch and his leading metropolitans in Epiros, in connection with the appointment of new candidates to vacant Epirotic bishoprics and metropolitanates. These disputes culminated in an ecclesiastical schism between Epiros and Nicaea, lasting from 1227 to 1233, as a result of Theodore's coronation as emperor.[21]

On Chomatenos' Work and Activity: The Prerequisites for his Authority

During his period of office, Chomatenos wrote several works, of which the corpus of his letters and records – judgments, expert opinions, legal advice and so-called penitential rulings on the imposition of ecclesiastical penalties, the *Ponemata diaphora* ('miscellaneous works', hereafter *PD*) – is the most important. The corpus comprises 152 numbers and was probably first edited and compiled at the end of the thirteenth or beginning of the fourteenth century by the Ohrid chartophylax John Pediasimos on the basis of the earlier, but now lost, register of the Ohrid chancellery.[22]

It is partly comparable to the similarly comprehensive work of his mentor Apokaukos which has been preserved only in piecemeal form.[23] However there are

[18] H-G. Beck, *Kirche und theologische Literatur im byzantinischen Reich* (Munich, 1959), 68; *Chomateni Ponemata*, 14*–15*. On the Orthodox church of Cyprus in the thirteenth century see H-G. Beck, *Geschichte der orthodoxen Kirche im byzantinischen Reich* (Göttingen, 1980), 188; Angold, *Church and Society*, 519–21; A. Berger, *Zypern III: Byzantinische Zeit, Kreuzzüge / 7.–15. Jahrhundert,* in *Theologische Realenzyklopädie* 36 (2004), 821.

[19] *Chomateni Ponemata*, 29*–30* and 387* (map); Prinzing, Quasi Patriarch, 168–9; Idem, Abbot or Bishop, map 1, 26–8.

[20] *Chomateni Ponemata*, 17*, 28*–29*, 31*–32; Prinzing, Quasi Patriarch, 170; Idem, Abbot or Bishop, 28.

[21] A. Karpozilos, *The Ecclesiastical Controversy between the Kingdom of Nicaea and the Principality of Epeiros (1217–1233)* (Thessaloniki, 1973), 70–95; *Chomateni Ponemata*, 20*–27*; Prinzing, Quasi Patriarch, 174–6; Idem, Abbot or Bishop, 28–9; Stavridou-Zaphraka, Political Ideology, 320–3; *Eadem*, Relations, 16–17; D. Angelov, *Imperial Ideology and Political thought in Byzantium, 1204–1330* (Cambridge, 2007), 353.

[22] *Chomateni Ponemata*, 46*–52* and 305*–7*, Prinzing, Quasi Patriarch, 176–8, Idem, Abbot or Bishop, 28–9; Angelov, *Imperial Ideology* 353–5.

[23] In addition to the literature on Apokaukos given above (n.13), see Angold, *Church and Society*, 419–25; K. Lambropoulos, *Ioannis Apokaukos: A Contribution to the Study of his*

major differences in its language or style, as well as its formal structure, because Chomatenos and his staff followed the practice of the Constantinople chancellery more closely in their recording, arrangement, formulation, and the language of the formulae, than Apokaukos, who tended towards a more literary form of expression. Above all, it is notable that Chomatenos always uses the patriarchs' formula of humility *he metriotes hemon* / ἡ μετριότης ἡμῶν for himself, which allows us to conclude that he regarded his position as autocephalous archbishop as also having quasi-equal standing with that of the patriarch. Nevertheless, he did not generally act as *the* supreme hierarch in the state of Epiros, nor did he always claim supreme ecclesiastical authority over the whole territory of Epiros, but regularly acted in consultation with his leading colleagues from the patriarchal metropolitanate, Apokaukos of Naupaktos and George Bardanes of Corfu. He never let himself be described as patriarch, despite his use of the patriarchal formulae.[24]

However, his full archiepiscopal title, 'Demetrios, by the grace of God Archbishop of Justiniana Prima and All Bulgaria',[25] reflects his view of himself as standing in the tradition of the pseudo-theory of the identity of Ohrid and its archbishopric with the erstwhile city and ecclesiastical province of Justiniana Prima established by Justinian. This was probably developed under Theophylaktos of Ohrid and found its way into the title of the archbishops of Ohrid under archbishop John (Adrian) Komnenos around the mid twelfth century. But it was Chomatenos who adopted the former title, also assumed by his successors.[26] He probably understood that it could be interpreted to mean that Ohrid was entitled to the special papal privileges of the see of Justiniana Prima. It was thus also possible to defend the coronation of 1227 with reference to the fact that he, Chomatenos, was the possessor of such privileges and consequently had the right to anoint an emperor.[27] It is not necessary here to go into the details of the partly erroneous argumentation with which Chomatenos (in *PD*, No. 114) attempted to back up his authority against the fire of criticism by Patriarch Germanos II, since the subject has been comprehensively treated by Ruth Macrides.[28]

Life and Work (Athens, 1988); and A. Stavridou-Zaphraka, 'Η χρονολόγηση επιστόλων και εγγράφων του Ιωάννου Αποκαύκου', *Egnatia* 4 (1993/94), 143–68.

24 *Chomateni Ponemata*, 27* and 33*; Prinzing, Quasi Patriarch, 175–8.

25 For example, *Chomateni Ponemata*, 55 (No.10), lines 3–5, for the complete *intitulatio*: letters No. 28, 77, 86, 111–12, its limited use in Chomatenos's letters: G. Prinzing, 'Zu den persönlich adressierten Schreiben im Aktencorpus des Ohrider Erzbischofs Chomatenos', in M. Kokoszko and M.J. Leszka, eds, *Byzantina Europaea: Księga jubileuszowa ofiarowana profesorowi Waldemarowi Ceranowi* (Łódż, 2007), 483–9.

26 *Chomateni Ponemata,* 16* and 27*; Prinzing, Quasi Patriarch, 169–70. On Adrian (John) Komnenos cf. Prinzing, Bischof Adrian. On Justiniana Prima cf. G. Prinzing, 'Justiniana Prima', in *Lexikon für Theologie und Kirche* 5 (1996), 1107–8.

27 *Chomateni Ponemata,* 24*–27*; Prinzing, Quasi Patriarch, 169–70*.

28 R.J.M. Macrides, 'Bad Historian or Good Lawyer? Demetrios Chomatenos and Novel 131', in *DOP* 46 (1992) 187–96; also Stavridou-Zafraka, Political Ideology, 319–21.

A further noteworthy feature of Chomatenos' records lies in the fact that not only did he always specify the exact statutory provisions on which his legal advice and judgments were based, but in most cases he also quoted them verbatim. Even the original sections of the fourteenth-century Constantinopolitan Patriarchal Register, preserved in Vienna, do not go into such detail.[29] Such vigilant procedural practice by Chomatenos undoubtedly impressed petitioners and, as we shall see, strengthened their confidence in his competence. Thus his evident proficiency explains how Chomatenos acquired the people's trust, which in turn considerably enhanced his authority as bishop too, so that he became a genuinely widely respected authority (discussed further below). Perhaps such a competent and conscientious archbishop had not previously been encountered in these regions. It is unclear whether law texts had previously been so extensively consulted to the degree that apparently occured in the ecclesiastical court under Chomatenos, and by Apokaukos. If one bears in mind that the judiciary in the provinces, long before the confused and chaotic conditions which followed the events of 1204, had adjudicated on citizens' legal disputes with indifference, then conditions had, 'with … encouragement' of the ruler, evidently changed markedly.[30]

It may be observed in passing that Theophylaktos of Ohrid left a large corpus of letters. However, they are relevant to legal history in only a limited way: Gautier's comprehensive register of Theophylactos' sources does not contain any legal texts.[31] Rather, as Dimitri Obolensky, Michael Angold and Margret Mullett have shown, his letters provide ample evidence of his intensive cultivation of a network of friends inside and outside the capital, not least for the protection of the church entrusted to him against the arbitrariness of state officials. Theophylaktos' special interests and competence thus lay much less in jurisprudence or the administration of justice, in contrast to Chomatenos. The authority which Theophylaktos exercised was consequently based on other qualities than those of his later successor.[32]

This superficial comparison of the two great archbishops of Ohrid demonstrates that there were very different characteristics or types of episcopal authority in the Byzantine church of the middle and late Byzantine period, even within the group

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[29] Prinzing, Quasi Patriarch, 179.

[30] D. Simon, 'Byzantinische Provinzialjustiz', in *Byzantinische Zeitschrift* 79 (1986) 327–31 and 334–43; Idem, 'Die Bußbescheide des Erzbischofs Chomatian von Ochrid', in *Jahrbuch der Österreichischen Byzantinistik* 27 (1987), 274 (with n. 116); J. Herrin, *Byzantium. The Surprising Life of a Medieval Empire* (London, 2007), 276; most recently: E. Sp. Papagianne, *Ἡ νομολογία τῶν ἐκκλησιαστικῶν δικαστηρίων τῆς βυζαντινῆς καί μεταβυζαντινῆς περιόδου σέ θέματα περιουσιακοῦ δικαίου. III Κληρονομικό δίκαιο* (Athens and Komotini, 2010), 279–81.

[31] Théophylacte d'Achrida, *Lettres: Introduction, texte, traduction et notes,* par P. Gautier (Thessalonike, 1986), Index des citations, 619–29.

[32] D. Obolensky, 'Theophylact of Ohrid', in Idem (ed.), *Six Byzantine Portraits* (Oxford, 1988), 34–82, Angold, *Church and Society*, 160–70, and Mullett, *Theophylact of Ohrid*, 79–133.

of 'Comnenian bishops'. The obvious question about the respective nature and frequency of these different characteristics is difficult to answer because relevant studies of the Middle and Late Byzantine periods are not yet available.[33] However, the recent work of Claudia Rapp, though concerned with the Early Byzantine period, provides important pointers for similar studies of later periods.[34] She writes:

> the authority of the bishop is a multifaceted and ever-mutating construct that continued to change as individuals adapted, necessity dictated, and circumstances permitted … The main components that define episcopal authority, however, remained the same. What changed was the relative weights of these components, or the way in which they were combined … Spiritual authority indicates that its bearer has received the *pneuma*, the spirit from God … It is given by God as a gift. It can exist in the individual independent of its recognition by others … Ascetic authority derives its name from *askesis*, meaning 'practice'. It has its source in the personal efforts of the individual. It is achieved by subduing the body and by practising virtuous behaviour … Ascetic authority is accessible to all. Anyone who chooses to do so can engage in the requisite practices. Finally, ascetic authority is visible … The … pragmatic authority is based on actions … It arises from the actions of the individual, but in distinction from ascetic authority, these actions are directed not toward the shaping of the self, but to the benefit of others … Pragmatic authority is always public. The recognition of pragmatic authority by others depends on the extent and success of the actions that are undertaken on their behalf.[35] (The underlining is mine. G.P.)

[33] Though there are partial exceptions as for instance V. von Falkenhausen, 'Il vescovo', in G. Cavallo, ed., *L'uomo bizantino* (Rome, Bari, 1992), 255–90, where the author speaks of the bishop's personal authority, 260–1, or about 'The bishop's authority and the monastic ideal', 285–9. Or M-Th. Fögen, *Ein heißes Eisen*, in *Rechtshistorisches Journal* 2 (1983), 85–96, where Apokaukos records in divorce proceedings that the petitioning husband, with his wife's consent, requested the application of trial by ordeal. Apokaukos initially refused this as being illegal, but finally gave way in order to bring the spouses together again. Fögen interprets the metropolitan's change of mind convincingly as 'the intuitive recognition of a shift from authority to consensus', observing that such a change of mind would have been inconceivable in the case of 'rigid' Chomatenos. See finally the clear remarks on the authority of (*Comnenian*) bishops by Angold, *Church and Society*, 254: 'Our bishops brought with them from Constantinopel a very clear concept of episcopal authority. They saw themselves as the upholders of an ideal order, in which justice prevailed and the poor and disadvantaged are protected. It could be obtained through exhortation, through the use of influence, and through the exercise of a bishop's moral and judicial authority'. Cf. also 149, 218, 246 and 261.

[34] C. Rapp, *Holy Bishops in Late Antiquity: The Nature of Christian Leadership in an Age of Transition* (Berkeley, Los Angeles, London, 2005).

[35] Rapp, *Holy Bishops*, 16–17, where *inter alia* the author distinguishes three categories or components of episcopal authority: pragmatic, spiritual and ascetic, each treated in a separate chapter.

Thus, in my opinion, the categories of 'spiritual authority' and 'pragmatic authority' analysed by Rapp could equally well be applied in the present study, as discussed below.[36]

The range of definitions of episcopal authority found in specialist encyclopedias allows us to expect that in the late Byzantine period, at least in the provinces, Byzantine people showed their bishops the respect to which they were traditionally entitled as the holders of sacerdotal office.[37] This trust derives a priori from the inherent belief that bishops were repositories of 'spiritual authority' (according to Rapp). A case-by-case examination then would determine whether and to what extent individual bishops gained in functional authority or (according to Rapp) 'pragmatic authority' (or perhaps 'ascetic authority') in the course of their periods of office on account of their personal qualities and competence in office. Conversely, such a check might reveal that a bishop perhaps was an object of criticism and thus reduced his 'pragmatic authority'. However, if this was the case, then it follows that, beyond the indispensable minimum of 'spiritual authority', there was no generally uniform, qualifiable authority of the 'official church' represented by its holders of high office, but in fact individually different degrees of episcopal authority.

The question arises whether there are indicators in the *PD* which could help us to assess the response to Chomatenos' discharge of his office, in which he placed great emphasis on the enforcement and mediation of law. What do the *PD* tell us about the quality and 'range' of Chomatenos' authority?

On the Response to Chomatenos as an Authority in Ecclesiastical Jurisdiction

Direct statements on this are rare, but a few do exist, such as the case of Gregorios Chamelos from Corfu (N. 65, *PD*). He is one of the few petitioners whose original petition has been preserved by Chomatenos in his response. He had turned to the archbishop with the request to deal with his problem. Chamelos wrote as follows:

> ἐξάκουστός ἐστι πανταχοῦ ἡ εὐθυδικία τοῦ δικαστηρίου τῆς μεγάλης ἁγιωσύνης σου καὶ τῆς κατ᾽ αὐτὴν θείας καὶ ἱερᾶς συνόδου, καὶ διὰ τοῦτο προσέρχομαι καὶ ἐγὼ τῷ κατ᾽ αὐτὴν φιλοδιακαίῳ συνεδρίῳ καὶ ζητῶ ἐφ᾽ οἷς ἀναφέρω ἀπόκρισιν τοῖς θείοις καὶ φιλευσεβέσιν νόμοις συνᾴδουσαν.

which translates as:

[36] Note also the review by S. Mariev, *BZ* 99 (2006), 684–7.

[37] In addition to general articles on authority in specialist theological encyclopaedias, useful information concerning the Orthodox Church can be found in the new Russian Orthodox Encyclopaedia: Ė.N.P., 'Avtoritet. V Pravoslavii', in *Pravoslavnaja ėnciklopedija*, t. 1 (Moscow, 2000), 208–10.

> everywhere one hears of the just dispensation of justice (*euthydikia)* of the court of your Great Holiness as well as the Holy Synod presided over by you, therefore I am also turning to this justice-loving court and request a ruling in my matter in accordance with the divine and pious laws.[38]

The fact that the petitioner Chamelos wrote from Corfu to Ohrid in order to obtain his right in litigation about his inheritance also underlines, even if indirectly, the great respect which the Ohrid synodal court under Chomatenos enjoyed. But why did Chamelos send his petition to Ohrid, although Corfu belonged to the patriarchal metropolitanates, whose head, the Patriarch of Constantinople, resided in Nicaea at that time? Was it not there, rather than to Archbishop Chomatenos of Ohrid, that the petitioner should have been obliged to turn? Political realities may account for this to some degree: the patriarchate was in exile in the city of Nicaea, remote from Corfu and accessible only via Latin-ruled Constantinople. It was thus more logical and more practical to turn to the autocephalous, legally independent see of Ohrid. Although Ohrid was not an easy journey from Corfu, as Chomatenos specially emphasises this point, it certainly did lie much closer than Nicaea. However, here, as in other cases, the significance was that the archbishop of Ohrid, independent of the patriarchate, was available to act as an alternative highest authority for a ruling. This becomes quite clear in case No. 80, *PD*, where the bishop of Bothrotos (mod. Butrint) who was subject to the Metropolitan of Naupaktos, the previously mentioned Apokaukos, turned, not only to his own archbishop, but, by way of precaution, also to Chomatenos in order to obtain a ruling from them both. He did this, as he emphasises, because the patriarchal court in Constantinople to which he would otherwise have turned was inaccessible on account of the political upheavals.[39] Thus it was up to the church administration in Ohrid whether to accept the requests of petitioners who came from territories outside its own territory of jurisdiction, or to refuse them. However, none was refused, because Chomatenos always proceeded in accordance with the principle that one should not deny support and paternal advice to those requesting help and an audience. That means Chomatenos was judicially proactive, either alone or together with the synod, which he, as quasi-patriarch, liked to describe as '*synodos endemousa*', permanent/standing synod (like that of Constantinople).[40] News of his readiness to take the place, as it were, of the Constantinople patriarchal court with his Ohrid ecclesiastical court, and to exercise the highest judicial functions, quickly spread and undoubtedly enhanced his renown; gradually he became the leading arbitrator. This supposition is underlined by the large number of enquiries

[38] *Chomateni Ponemata*, 227–30, here 227, lines 15–19. For the content of the record cf. ibid., 38* and 147*–8*, and Prinzing, Quasi Patriarch, 179.

[39] *Chomateni Ponemata*, 179*–82*, 266–73; Prinzing, Abbot or bishop, 31–7.

[40] *Chomateni Ponemata,* 33*–4*; Prinzing, Quasi Patriarch, 178–9. See also J.M. Hussey, *The Orthodox Church in the Byzantine Empire* (Oxford, 1986), 57 (passim) and *ODB*, s.v. Endemousa Synodos.

that were submitted to Chomatenos and his court 'from outside', as well as from within, the archbishopric of Ohrid.[41]

The origins of the disputes were mainly concerned with matrimonial problems, inheritance or property, for which, as a rule, the church was responsible anyway. But in 24 cases penitential rulings also were involved, including imposition of penance for all possible kinds of offences, even manslaughter. In some other cases, questions of ecclesiastical discipline and some general offences by the clergy are dealt with. If the petitioners were laymen, then it should be noted that in principle they turned to the Ohrid court *voluntarily*, as the Church would not undertake any steps of its own accord for the prosecution of crimes unless clergymen were involved.[42] In addition, 'penitential clients' (*Bußklientel*), who had had a punishment imposed by a church court, were thereby protected from any further prosecution by civil agencies.[43] As a result there was a high degree of acceptance among petitioners of the rulings handed down by the ecclesiastical court. The penitential rulings, which have been thoroughly studied and commented on by Dieter Simon would, as a rule, have been obeyed because in them the Church's social, moral and religious means of bringing pressure to bear were effectively employed.[44] Those sentenced would have had a great interest in being absolved as quickly as possible from their often extensive ecclesiastical penalties which might have included various forms of excommunication, lasting for months or years. Admittedly the obvious shortcoming in this system was its inherent voluntary character. Serious offenders without conscience would not feel any obligation to subject themselves to an ecclesiatical court and – insofar as no civil court concerned itself with their offence – they could remain free from punishment in many cases. On this subject Fögen comments:

> The ecclesiastical judge was … neither a 'criminal prosecution authority' nor an 'investigating judge'. No offender was ever brought before him in chains. Anyone who came, came voluntarily, perhaps out of genuine remorse for his misdemeanour and fear of divine punishment for his sins, perhaps under the mild pressure of his reproachful social environment, perhaps only because of the protection which the judgment to do penance, with its warning to the state organs, promised him. On the other hand murderers and serious offenders do not seem to have felt such motives to go to the ecclesiastical judge.[45]

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41 *Chomateni Ponemata*, 28*–34*; Prinzing, Quasi Patriarch, 179.

42 Simon, Die Bußbescheide, 270: 'Es ist […] offenkundig, daß die Büßer nicht als von Chomatian oder den Behörden, sondern als von sich selbst Verfolgte auftreten'. Also n. 44 below.

43 Simon, Die Bußbescheide, 268; *Chomateni Ponemata*, no. 116 (232* and 381, lines 47–51), no. 120 (237* and 388, lines 63–7), no. 131 (249* and 405, lines 49–53), and no. 144 (260* and 421, lines 33–7) and Simon, *Die Bußbescheide*, 254, 256, 258 and 260.

44 See n. 30 above, Simon, Die Bußbescheide.

45 M-Th. Fögen, 'Ein ganz gewöhnlicher Mord', in *Rechtshistorisches Journal* 3 (1984), 71–81 (on a judgment of Apokaukos from 1228), especially 80: 'Der geistliche Richter war […] weder Strafverfolgungsbehörde' noch "Ermittlungsrichter". Kein Täter wurde

The authority of the ecclesiastical dignitaries found its limits here, as Simon writes: 'The room for informally taking the law into one's own hands was obviously very large'.[46] But in other fields of ecclesiastical jurisdiction for laypersons, which differed from the treatment of the clergy, it was by no means certain that judgments or legal advice could later be implemented or even be accepted, as Simon's study on Byzantine provincial justice demonstrates. For example, several courts had already found in favour of the peasant Drazes from the Ohrid region (No. 72, *PD*) in his long-standing legal dispute concerning the possession of a vineyard against a certain Hierakares, who laid claim to it. Finally a written decision was issued by the imperial court itself. Unimpressed, Hierakares did not accept the judgment, but continued illegally to claim Drazes' vineyard. Drazes then turned to the Ohrid ecclesiastical court, in order, according to Simon, 'to still obtain the realisation of his rights, which had failed to be achieved, by synodal means'.[47] In this case it is clear that Chomatenos did not have any instruments of power at his disposal to enforce his judgment. If not even the emperor was not capable of enforcing his own judgment, how should Archbishop Chomatenos succeed in doing so? The fact that Drazes went to the ecclesiastical court, after 13 years, to obtain a ruling that had already been decreed by the emperor himself suggests that it may have been effective in some other way. In other words, what was decisive in the end was not only that Drazes was successfully able, with the archbishop's help, to 'present' his opponent Hierakares in the court proceedings as defeated, but that he was also proved right by the archbishop, the highest spiritual authority in the land. Simon interprets the facts and circumstances thus:

> Synodal justice's clear social strength corresponded to the political weakness of imperial justice. Despite all the reverence, it is clear that Chomatenos, by admitting the hearing, did not really strengthen the imperial position. Even if he should have intended this, through his intervention and his … thorough examination … he gives the impression that an instance is becoming active here which supports the emperor, lending his judgment the decisive effectiveness. The synod functioned, not as an appeal, but as a guardian and protective instance.[48]

je in Ketten vorgeführt. Wer kam, kam freiwillig, vielleicht aus ehrlicher Reue über seine Missetat und Angst vor göttlicher Sündenstrafe, vielleicht unter dem milden Druck seiner vorwurfsvollen sozialen Umwelt, vielleicht nur wegen des Schutzes, den das Bußurteil mit seiner Warnung an die Staatsorgane ihm versprach. Mörder und Schwerverbrecher hingegen scheinen solche Motive, den geistlichen Richter aufzusuchen, nicht verspürt zu haben'.

[46] Simon, Bußbescheide, 274: 'Der Raum für formlose Haus- und Selbstjustiz war offenbar sehr groß'.

[47] Simon, Byzantinische Provinzialjustiz, 325: 'Es handelt sich also um nichts anderes als um den Versuch einer Partei, *die ausgebliebene Rechtsverwirklichung mit synodalen Mitteln doch noch zu erreichen*' (translated section italicised). For case no. 72 see *Chomateni Ponemata*, 155*–7* and 249–52. Unfortunately we do not know the outcome.

[48] Author's translation from Simon, Byzantinische Provinzialjustiz, 326.

Simon presumes that the imperial judiciary connived with synodal rulings and that perhaps they were happy to delegate hearings to the synodal court.[49] It thus follows that the highest secular authorities respected representatives of the highest ecclesiastical authority and the college of bishops, and promoted cooperation with them. This is proved by a letter (No. 110, *PD*) in which Chomatenos reacted to an enquiry by Theodore Doukas, the future emperor. In it Theodore had requested absolution from sins that had arisen in the course of his activity as ruler, when he had had a notorious robber and murderer executed without trial. Chomatenos appeased Theodore Doukas' conscience by stating that he had extensive powers at his disposal when it came to a question of the welfare of the state. His deed was right and proper because it benefited the community. If some ascetics, apparently from monastic circles, should try to classify the deed as murder, then he, Chomatenos, in accordance with the divine laws would answer: 'May God forgive him for ever'.[50]

Conversely, Chomatenos requested Manuel Doukas, when he became emperor, for support for his position in a complicated inheritance dispute (No.117, *PD*) which had already been the subject of a judgment by the Ohrid synod during the previous emperor's reign (No. 38, *PD*), but had been reopened again. During the new proceedings some plaintiffs had contested his decision, whereupon he had prepared a counter-opinion (cf. No. 151, *PD*). He now requested the emperor to have his argumentation checked by imperial lawyers. If they came to the conclusion that it conformed with the law, then the emperor should also help his (Chomatenos') judgment to be enforced. Chomatenos emphasised further that he was convinced that wherever his opinion became known to lawyers, no objections to it would be found. He wrote this already quite close to the end of his life, around 1235.[51]

Through this case it becomes clear that a leading, competent, respected bishop, like Chomatenos, thus one with great 'pragmatic authority' at his disposal, was always also dependent to a certain degree on the support of the respective political rulers, in this case Manuel Doukas. If this support failed to materialise or if it was withdrawn from the bishop, the bishop's authority would certainly be endangered. But possibly the ruler could undermine his own authority in return, for, as we have seen, imperial authority for its part also required the support of ecclesiastical authority. However Manuel Doukas might have decided, Chomatenos' self-assurance remained unbroken, even if he, and thus his authority, was not always accorded full recognition everywhere and in every case.

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[49] Simon, Byzantinische Provinzialjustiz, 326.

[50] *Chomateni Ponemata,* 221*–2* and 363–7, insightfully commented on by D. Simon, 'Gewissensbisse eines Kaisers', in G. Baumgärtel (et al.), ed., *Festschrift für Heinz Hübner zum 70. Geburtstag am 7. November 1984* (Berlin, New York, 1984), 263–71.

[51] *Chomateni Ponemata* 109*–10*, 233*–4*and 267*–8*, and the texts 139–44, 381–2, 441–59.

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Response

Miri Rubin

It is my pleasure to comment on two papers, which probe at the making of authority within the Byzantine Church. I use the word Church in its widest sense, meaning the institutional frameworks within which Christian life was organised with the aim of promoting faith and salvation. Jane Baun's analysis of the rituals which marked the coming into the world and coming of age demonstrates the truly fruitful effect anthropological concepts and style of observation have had on historical inquiry. Invoking in her title the seminal work, now a century old, of Arnold Van Gennep on 'rites de passage', she explores the unique authority embedded in Byzantine Christian rituals as these imparted identity, sense of self and a place within a community. She demonstrates the great creativity of the ritual field. Within its authoritative templates the human life cycle imitated that of Christ – in baptism, in the Eucharist. But she also shows that these templates – authoritative, grounded in Scripture, the privilege of priests – responded in a supple manner to dilemmas and anxieties arising from the community. A good example is her discussion of the ritual for sluggish pupils, based on a prayer *eis paidin kakoskopon*: it includes fast prayer, anointing in wine, recitation of prophecies over the child's head, and more. This procedure took place in the church, imitating liturgical action with candles and Alleluias. The Church clearly imparted its authority upon these well-meaning attempts of anxious parents: the authority of its language, of its lexicon of rituals, of its space.

Here is a process which is familiar from Europe too. The authority and power embedded within the church's ritual repertoire, and which aimed to lead Christians to salvation, were desired for dealing with the dilemmas of daily life. The dangerous entry into manhood, symbolised by the cutting of the beard, following the age-old Roman custom, received its Christian ritual, which invoked in Byzantium the blessing that came down onto the head of Aaron, like the dew of Mount Hermon. In western Europe a similar provision was made by Merovingian liturgy for the *barbatonsoria,* as Yitzhak Hen has shown. We have every reason to believe that the desire for such rituals arose from families seeking to have the lives of their adolescent boys blessed by authoritative Christian rituals. This desire clearly also meant an enhancement of the role of the clergy as mediators of ritual processes and guardians of sacred spaces.

Günter Prinzing introduces us to that authority of the clergy through that figure best likened to the sinews of the church – the bishop. Demetrios Chomatenos, Archbishop of Ohrid (1216–1236), is a most interesting example, charged as he is with the westernmost province, in Epiros, and outside the realm of the Patriarchate. We know that Chomatenos came from a well-connected family, which produced several high-ranking ecclesiastical figures; his turn to the episcopacy was a knowing career choice. A great deal of material has remained from Chomatenos' extensive correspondence and legal opinions.

Prinzing identifies in Chomatenos a combination of spiritual authority and pragmatic authority, and little of that other option open to bishops, to take the ascetic route and combine personal charisma with the charisma of their office, to use Weberian terms. His pragmatic authority arises, in particular, from his rhetorical and legal training – the two are, of course, intertwined – and his fame as an expert in canon law. People sought Chomatenos' opinions for the sake of having them, even on matters to which his jurisdiction did not extend. Chomatenos was thus but practising the authority of his see, as his predecessors had done, but his personal capabilities enhanced the office considerably.

His successful career as bishop/lawyer is similar to those developed by many a bishop in Europe too. Probably the most famous is Lothar of Segni, later Pope Innocent III (1160–1216), who promoted the vision of Christian Europe bound hierarchically from parish to papacy, administered identically by canon law sanctioned by the pope, and reliant on men with training like his own, and like that of Chomatenos in the Byzantine sphere. In the decades that followed, bishops were far more likely to have a legal training and to employ in their *familiae* men similarly trained. The ascetic route never totally disappears, but it diminishes.

The Church, with which we started this comment, moved from its beginning embedded in disciplehood, example and admonishment by holy persons, to become a formidable set of bureaucratic structures, in Latin Europe and the Greek East. Those Christians who lived under Muslim rule fared utterly differently, of course. Despite the differences in political arrangements that set these two systems apart, I am struck, after reading these two most interesting studies, by the similarities between east and west. Along parallel routes, clergy provided communities with aids in confronting the challenges of the life cycle, from cradle to grave. They were able to do so with such confidence and willingness because they were part of an ecclesiastical edifice, which was richly endowed: land, connections, jurisdiction. This section reminds us that the preservation of the Church's institutional/legal authority safeguarded and enabled the realisation of its ritual authority.

Part IV

Authority within the Family

11

Family Ties, Bonds of Kinship (9th–11th Centuries)

Christine Angelidi

Three Marriages and a Tomb

In her book *Women in Purple*, Judith Herrin has drawn attention to Euphrosyne, a rather obscure royal figure of the first half of the ninth century, a 'second class' empress when compared with the female figures that preceded and followed her: Irene, her grandmother, and Theodora, the wife of her stepson, Theophilos, both of whom were lauded in Byzantine historiography as the two most outstanding women of their time.[1] Euphrosyne's name is only sparsely recorded in the sources, and even then she is a background figure while the stage is occupied by actions of the first-rank heroes to whom she was related by blood or by marriage.

Family issues had a strong impact on her throughout her life. After the dissolution of the marriage of Maria of Amnia to Constantine VI, Euphrosyne followed her mother to a forced retirement in the Prinkipo monastery, which was founded by her grandmother, and which was where she grew up. It is uncertain whether she had been tonsured; however, it is on grounds of her monastic condition that her marriage with Michael II was long disputed. In 823, Euphrosyne, the last offspring of the Isaurian dynasty, became empress, bore no children and her brief reign lasted until the death of her husband in 829. A year later, she allegedly organised the bride-show, which resulted in Theophilos' wedding to Theodora; then she withdrew from the palace and retired to a monastery, probably one of the two under her patronage.[2]

[1] J. Herrin, *Women in Purple* (London, 2001), 130–84.

[2] On the doubtful historicity of the Byzantine bride-shows, see L. Rydén 'The Bride-shows at the Byzantine Court – History or Fiction?', *Eranos* 83 (1985), 175–91, and L. Rydén, *The Life of St Philaretos the Merciful written by his Grandson Niketas* (Uppsala, 2002), 38 with note 67. Two Constantinopolitan monasteries, physically close to each other, are related to Euphrosyne: the *Gastria* and the *Euphrosynes*; see Herrin, *Women in Purple,* 158–9. It is uncertain to which monastery Euphrosyne withdrew: see M-F. Auzépy, 'De Philarète, de sa famille, et de certains monastères de Constantinople', in C. Jolivet-Levy, M. Kaplan and J-M. Sodini, eds, *Les saints et leur sanctuaires à Byzance* (Paris, 1993), 122 and notes 21, 23.

Later sources attribute to Euphrosyne an important involvement in political and religious affairs during the period of her retirement, though the evidence is doubtful. In 838 she warned Theophilos of a rebellion against him, but the incident is transmitted by a much later – thus often unreliable – Arabic text.[3] Her identification with the nun Euphrosyne, who in 836 attended to the spiritual and material needs of the imprisoned Michael the Synkellos, attributes to her iconophile beliefs in an iconoclast environment. However, the identification of Euphrosyne born in the purple with the nun of the same name is far from secure.[4] A passage of the tenth-century Chronicle of *Ps.*-Symeon would confirm her iconophile convictions, but the accuracy of the information is again uncertain.[5]

The date of her death is conjectural; she probably died in the late 830s and was buried in the family funerary tomb at her monastery: 'her body was laid to rest in the tomb of Bithynian marble, where it joined those of her parents and sister already buried there'.[6] The exceptional arrangement of the imperial burials was surely due to the political circumstances that affected Constantine VI and Maria. Moreover, Euphrosyne was only the second wife of Michael II; the emperor and his first wife, Thecla, had been buried at the Holy Apostles mausoleum.[7] Yet the disposition calls to mind the old tradition of elite family members united in death in a setting appropriate to their social condition, which became a regular practice again from the eleventh century onwards.[8]

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[3] W. Treadgold, 'The Chronological Accuracy of the Chronicle of Symeon the Logothete for the Years 813 to 845', *DOP* 33 (1979), 161–2.

[4] Identification proposed by Treadgold, 'The Chronological Accuracy', 188 note 139, *contra* M. Cunningham, *The Life of Michael Synkellos* (Belfast, 1991), 74, who affirms that the distance between Prinkipo, where she assumes following *Theophanes Continuatus* that Euphrosyne spent the last part of her life, and Constantinople would impede the empress to visit Michael. On the localisation of the *Euphrosynes*, a foundation of Irene according to the *Patria Konstantinupoleos*, ed. T. Preger, 243; on the identification of the founder, see A. Berger, *Untersuchungen zu den Patria Konstantinupoleos* (Bonn, 1988), 646–8.

[5] The passage refers to the visits of the new empress, Theodora, and her daughters to their grandmother, Theoktiste, and step-grandmother, Euphrosyne, who were living in the monastery of the *Gastria*: *Pseudo-Symeon*, ed. I. Bekker, p. 628–9. *Theophanes Continuatus*, ed. I. Bekker, 90–1, gives another version of the story, which mentions only Theoktiste.

[6] Herrin, *Women in Purple*, 159–60, 183, and J. Herrin, 'Moving Bones: Evidence of Political Burials from Medieval Constantinople', *Travaux et Mémoires* 14 (2002) = *Mélanges Gilbert Dagron*, 290–1; for records on the tomb, see P. Grierson, 'Tombs and Obits of Byzantine Emperors', *DOP* 16 (1962), 7, 34, 55.

[7] Grierson, 'Tombs and Obits', 30. On exceptional eleventh-century individual imperial memorials, cf. T. Papamastorakis, 'The Empress Zoes' Tomb', in V. Vlyssidou, ed., *The Empire in Crisis (?)* (Athens, 2003), 499.

[8] A. Kazhdan and A. Wharton Epstein, *Change in Byzantine Culture in the Eleventh and Twelfth Centuries* (Berkeley, Los Angeles, London, 1985), 103, attribute the establishment of monumental familial burials after 1028 to the growing concern with lineage.

In conclusion, the secure information about Euphrosyne's life may be summarised in a long period of confinement, three family marriages and a series of burials in the family shrine she established in the monastery of the *Euphrosynes*.

One Marriage and a Death

In discussing the expulsion of Maria of Amnia and her daughters from the imperial palace, Judith Herrin wonders why they lacked the support of the family that came with Maria to Constantinople at the time of the bride-show, which led to her marriage with Constantine VI, and thereafter resided in the capital.[9] Likewise there is no mention in the sources about the relatives that would surround Euphrosyne either during her years of prestige or in retirement. Still, Euphrosyne had an impressively large maternal family of which we are well informed by their cousin, Niketas, the author of the *Life* of Philaretos, Maria's and Niketas' grandfather and Euphrosyne's great-grandfather.

The *Life* of Philaretos is a work that departs from the hagiographical literary rule not only with reference to the saintly model it propounds, but also because of its literary particularities.[10] The purpose of the work is closely related to the date of its composition, which ranges between 822/23 and 830, the former corresponding to the marriage of Euphrosyne to Michael II, and the latter to Euphrosyne's withdrawal from the imperial court. Consequently, the text is considered to have been either a wedding gift to the imperial cousin of the Niketas, a record aiming at glorifying the saintly grandfather of an empress in retirement, or a source of solace to an iconophile cousin in exile.[11] Whatever inspired its production, the family theme stands at the core of the *Life*.

The importance of the family in Niketas' biography of his grandfather is particularly underlined by the unique example it provides of an 'autobiographical' lineage, which comprises four generations and numbers approximately 41 members.[12] From it we learn that the well-to-do representative of the provincial aristocracy, Philaretos, son of George, a landowner in Paphlagonia, had one son

[9] Herrin, *Women in Purple*, 140.

[10] On the literary particularities of the text, see A. Kazhdan in collaboration with L. Sherry and C. Angelidi, *A History of Byzantine Literature (650–850)* (Athens, 1999), 281–91; cf. Rydén, *The Life of Philaretos*, 16–19.

[11] Auzépy, 'De Philarète', 123, and Rydén, *The Life of Philaretos*, 45–7, summarise the relevant discussion.

[12] Unique in Byzantine literature. My calculation is based on the genealogical tree in Auzépy, 'De Philarète', 118–19, in which I included Philaretos' father, the ancestor of the family, and his unnamed wife. Rydén, *The Life of Philaretos*, 89 note 97, arrives at the number twenty-four, which corresponds to the members of the family that moved from Paphlagonia to Constantinople in 788 to celebrate the marriage of Maria with Constantine VI.

and two daughters, who at the time of the text's redaction had 17 children and 11 grandchildren of their own.

Marie-France Auzépy remarks that the progeny of Philaretos was ensured by his daughters, while five out of the seven children of the son embraced monasticism at a young age. She also notes that each branch of the family had a distinct destiny: the uncle and the brother of Maria of Amnia while being conferred with the hierarchically low dignity of *epi tou manglaviou*, nevertheless operated within the close ranks of the emperor. The younger sister of Maria was married to Konstantinakios, who probably received the dignity of *patrikios* upon becoming the relative of the empress. A princely marriage was arranged for the second sister of Maria, who wed the son of the duke of Benevento. The third branch of the family seems not to have taken advantage from the social advancement of its relatives though it did benefit equally from the landed properties, the big houses and precious gifts which the emperor bestowed on the family of his bride.[13]

Niketas was not interested in recording any other collateral kinships or any bond between the families of Philaretos' children. Instead his narrative shows the progressive split of the original family into separate units, once the children established their own families. From this viewpoint it perfectly conforms to the nuclear family pattern, as first discussed by Herbert Hunger and then further developed by Alexander Kazhdan, who concluded that the family unit characterised Byzantium from the sixth century onwards in terms of both social and economic relations.[14]

Although the family theme permeates the text, there are only two instances describing the gathering of all the family members. As in Euphrosyne's biography, they were occasioned by marriage and death: the imperial marriage of Maria of Amnia with Constantine VI, and the death of Philaretos. The description of the imperial wedding celebration, during which gifts were offered to the in-law relatives of the emperor, is succinct. In contrast, the narration of Philaretos' last moments covers an important part of the text. The extended family (Greek: συγγένεια) stood around the deathbed of the old man who recommended them to follow his

13 Auzépy, 'De Philarète', 120. Discussing the presentation of Niketas, Rydén, *The Life of Philaretos*, 20, and 88–90, ll. 474–86, suggests 'the order between brothers and sisters taken separately is chronological, whereas the order between brothers and sisters taken together is not'. On the gifts, see Rydén, *The Life of Philaretos*, 92, ll. 523–8.

14 H. Hunger, 'Christiliches und Nichtchristliches im byzantinichen Eherecht', *Oesterreichisches Archiv für Kirchenrecht* 18 (1967), 305–25, and A. Kazhdan, 'Small Social Groupings (microstructures) in Byzantine Society', *JOB* 32/2 (1982) = *XVI. Internationaler Byzantinistenkongress. Akten* II/2 (Vienna, 1982), 3–10. On the sharing of the paternal inheritance between the children of Philaretos' elder son, see Rydén, *The Life of Philaretos*, 105 n. 155. The passage from the nuclear to the extended family is dated to the late eleventh century; it fully developed in the twelfth century Byzantine aristocracy: Kazhdan and Epstein, *Change in Byzantine Culture*, 100–1. The nuclear family pattern is dominant in the Paleologan period: A. Kazhdan and G. Constable, *People and Power in Byzantium* (Washington, 1982), 33–4.

example by giving to the poor instead of saving their material wealth. He blessed and addressed each of his son's children separately, to whom he predicted that they would embrace the monastic life. Then he spoke to each of his other grandchildren and blessed the rest of the family.[15] The words of the dying grandfather were permeated with spirituality; moreover, they revealed that he knew the individual characters of each of his offspring, and he instructed them accordingly.

This scene of the last moments of a Byzantine aristocrat, remarkable in its vividness, is also the sole passage of a text concerning a patriarch and his family life in which the author describes his emotions. At the time of Philaretos' death, Niketas was seven years old; his young age allowed feelings that also involved physical contact.[16] However, it is noteworthy that some 30 years later, Niketas still recalled the intense moment of sorrow and tenderness he had with his grandfather and godfather, who held him in his arms and fondly kissed him, and he considered it to function as an appropriate introduction to the dream-like vision he had of the glorious afterlife of Philaretos, which follows in the narrative.[17] The emotional attitude of Niketas, the tears shed by the relatives, the prayers they recited, the blessing and recommendations they receive recall the gathering of the monastic community before the deathbed of a saintly person or a *hegoumenos*.[18] Natural and fictitious families share the same expectation of a heavenly hereafter for the revered relative; they also share the same distress upon the demise of the beloved member of the family.

Letters on the Death of Relatives

Grief and intense emotions pervade a consolation letter penned in the 840s by Ignatios the deacon and grammarian.[19] Unusual with regard to the rhetorical rules

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[15] Niketas does not mention Maria of Amnia; she and her imperial husband were informed about the death of the grandfather and arranged his sumptuous funeral: Rydén, *The Life of Philaretos*, 110, ll. 803–8.

[16] See also below, note 46.

[17] Rydén, *The Life of Philaretos*, 104–10, ll. 710–95. On the order of presentation of the children and grandchildren of Philaretos, see Rydén, *The Life of Philaretos*, as n. 12, above. Philaretos' face 'shone like the sun', and he sang the Psalm, and a sweet scent filled the house: Rydén, *The Life of Philaretos*, 110, ll. 795–800. The vision-like dream of Niketas, which occurred three days after Philaretos' demise, revealed the outstanding position of the grandfather in heaven: Rydén, *The Life of Philaretos*, 112–14, ll. 837–84.

[18] Narratives on the last days and the death of holy persons vary depending on the status of the saint, on the dating of the biography, and on the authorial strategies. A thorough research on the subject has not yet been carried out. See, however, the learned literary study of P.A. Agapitos, 'Mortuary Typology in Lives of Saints: Michael the Synkellos and Stephen the Younger', in P. Odorico and P.A. Agapitos, eds, *Les Vies des saints à Byzance: Genre littéraire ou biographie historique?* (Paris, 2004), 103–35.

[19] Letter no 62, ed. C. Mango with S. Efthymiadis, *The Correspondence of Ignatios the Deacon* (Washington DC, 1997), 148–54, and 203–4 (commentary). I follow the

normally applied to consolation letters, the letter's style is formal in contrast to its content.[20] For comforting the friend who is mourning the loss of a relative, Ignatios uses quotations from ancient sources and provides a series of examples drawn from the Old and New Testament that show the inevitability of death. He even uses a saying, as he claims, according to which 'no founts of gold and silver can buy off the road to the tomb'. In the same letter, however, Ignatios adopts a personal tone when recounting to his friend how desperate he felt after his brother's sudden death, and confessing the lonesomeness he had suffered when he was left an orphan after the demise of his father and all of his kinsmen.[21] To compensate for the excessive metaphor 'the sword of despair', which he used to describe the grief of the mourning person, and the expression 'funereal weeping', which reflects a traditional secular ritual, Ignatios concludes by admitting that 'only conversion to things sacred and the study of virtues' may fortify the soul and make possible the hope of an everlasting afterlife.

Because letters are a means of personal communication par excellence, letter writing should present a good ground for testing the expression of emotions conveyed to parents or siblings. Letter collections of the ninth and tenth centuries are very poor in relevant evidence, nonetheless. High dignitaries of the Church or learned state officials wrote frequently to friends in order to complain about the remote place they were sent to serve, to acknowledge a gift, or to settle professional affairs. A few letters are addressed to brothers, probably younger and of lower rank, who had asked for advice in difficulty. Letters on family matters and in particular to parents and family back home should, however, have been written. Yet the plain style that would be adopted for the occasion did not necessarily comply with the literary standards set by the author in his formal, high-style works; hence, copies of them were not kept and they were consequently not included in the letter collections.

The case of Niketas *magistros* surnamed Helladikos is in my view, an eloquent example of sophisticated letter writing, lacking direct expression of personal emotions. Niketas was born in southern Greece.[22] He claimed to be the offspring

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chronological order of the letters established by Mango, *The Correspondence*, 19–21. For another chronological arrangement of the collection, see A. Kazhdan with L.F. Sherry and C. Angelidi, *A History of Byzantine Literature (650–850)* (Athens, 1999), 351. On Ignatios' biography and works, see Mango, *The Correspondence*, 3–18; cf. also T. Pratsch, 'Ignatios the Deacon. Cleric of the Constantinopolitan Patriarchate, Metropolitan of Nicaea, Private Scholar, Teacher and Writer (a Life reconstructed)', *BMGS* 24 (2000), 82–101.

20 On the conventional and rhetorical character of the sub-genre, see A. Littlewood, 'The Byzantine letter of consolation in the Macedonian and Komnenian periods', *DOP* 53 (1999), 19–41.

21 The expressions employed by Ignatios when recalling the death of his brother, 'mournful cry' and 'plaintive lament', Mango, The *Correspondence*, 148, l. 10, reflect both the ancient and customary Greek ritual of the wake of the dead and the funeral procession. On it, see M. Alexiou, *The Ritual Lament in Greek Tradition* (2nd edn, Lanham MD, 2002).

22 On the basis of the expression Niketas employed in one of his letters, L. Westerink, *Lettres d'un exilé (928–946)* (Paris, 1973), Letter 23, ll. 7–8, assumes that he was born in

of a prominent family, saying that his parents originated from Athens and Sparta, and he insistently celebrated his roots to which he attributed his mastering of the Greek language and his knowledge and use of ancient Greek literature.[23] In fact, this more or less defensive attitude was due to the contempt expressed by Constantinopolitan milieus towards the inhabitants of Greece; it also enabled him to produce an aristocratic pedigree, which emphasised the intellectual and cultural wealth provided by his Greek origin.[24] Under Leo VI, Niketas served in the imperial navy, where he probably met Romanos Lakapenos, whom he supported in 919. The wedding of his daughter with Christophoros Lakapenos and a few years later the wedding of his granddaughter with the tsar of Bulgaria marked the peak of an important, though brief, social ascent. In 928, accused of conspiracy against Romanos, Niketas was forced to retire to his Bithynian estate, away from family and friends. He lived in a condition of half-monk, half-exile for 18 years, during which he wrote letters that survived in a collection. In them, he treated of his misfortune and his financial situation, asked for books and discussed issues regarding his properties in the region of Thessaloniki.

None of Niketas' letters is addressed to members of his family in Greece or any of the persons he knew in Larissa, a town and region he proudly referred to by quoting Homer.[25] From his confinement he sent only one letter to a member of his family, his daughter the empress, the recipient of a gift. The message is composed in the traditional mode that praises the good taste of the correspondent and expresses the excuses of the sender for the valueless present.[26] Some of his correspondence, written in Niketas' usual high style and addressed to his friend and former colleague John, with whom he shared the same upheavals of fortune, concerns more personal issues. In these letters, he admits that while exile has deprived him of his family, he suffered more from separation from his friend.[27]

In contrast to the emotional letters Ignatios wrote to comfort his friend, Niketas dealt with the loss of his family members in a surprising way. Inserted in

Larissa Thessaly (Westerink, *Lettres d'un exilé*, 23). See, however, T. Pratch, 'Zur Herkunft des Niketas Magistros (* um 870 – † frühestens 946/47) aus Lakonien', *Byzantion* 75 (2005) 501–6, who argues for the Laconian origin of Niketas.

[23] Westerink, *Lettres d'un exilé*, Letter 2 ll. 10–11; cf. Letter 4, ll. 11–13. The wording 'I, husband of Tyndareus' offspring' suggests that Niketas' wife either claimed a Spartan origin or was named Helen.

[24] Westerink, *Lettres d'un exilé*, 23–4, on the passage of the *De thematibus* (ed. A. Pertusi, *Costantino Profirogenito De Thematibus* (Vatican City, 1952), 91 ll.40–42) referring to the disdainful attitude of the imperial court towards the Peloponnesians in general and Niketas in particular.

[25] Friendship and, probably, patronage are implied in Westerink, *Lettres d'un exilé*, Letter 23. The recipient, archbishop of Thessaloniki, was born to a family from Larissa, to which Niketas seems to have been closely related.

[26] Westerink, *Lettres d'un exilé*, Letter 24.

[27] Westerink, *Lettres d'un exilé*, Letter 13, ll. 6–10.

a letter mainly consisting of an ekphrasis on the surroundings of his estate and the narration of his various worries, Niketas mentions the demise of a brother and a brother-in-law. He refers to the same events in another letter, the subject matter of which is the rhetorical contrast of the joyful spring with the gloomy winter of his soul.[28] Niketas received the announcement of his son's death while in exile, and he wrote about it in a long letter to John in which the devastated father, who presents himself as a new Hekuba, displays an extraordinary skill in arranging quotations drawn from a variety of Greek sources.[29]

Family and Career

Niketas was undoubtedly an erudite man, and his circle of friends included Theodore of Kyzikos and Alexander of Nicaea with whom he shared the same intellectual interests. Although his background remains obscure, the few facts that are gathered from his letters, the *Life* of Theoktiste he authored, and other sources, suffice to show that the learned *magistros* was part of the group of those 'middle-class' provincials who sought fortune in the capital and became servants of the state.[30] He claims that his family had taught him proper behaviour, the obligations and the principles that he had to follow in his life.[31] He was probably taught in Greece before arriving in Constantinople to continue his education and fulfil his ambitions. It is unknown whether he had the support of family members that already resided in Constantinople. However, two letters addressed to Sergios, the confessor of Romanos Lakapenos, and his brother, the jurist Kosmas, prove that he had established the proper connections, which ensured and strengthened his newly acquired social status.[32] Even so, a successful relative that served in court represented an effective means for the social ascension of a young provincial and by extension of the whole family. In this process, a key role is often conferred on the uncle, such as in the biography of Symeon the New Theologian.[33]

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[28] Westerink, *Lettres d'un exilé*, Letter 20, ll. 29–30, and Letter 21, ll. 24–5. I follow Westerink's rendering of the Greek term *gambros*, which however would also designate the son-in-law. In the latter case, Niketas would refer to Christophoros Lakapenos, who died in 931.

[29] Westerink, *Lettres d'un exilé*, Letter 12.

[30] On the *Life* of Theoktiste, see Westerink, *Lettres d'un exile*, 27–8, 41–46, and A. Kazhdan, *A History of Byzantine Literature (850–1000)* (Athens, 2006), 86.

[31] Westerink, *Lettres d'un exilé*, 23 and Letter 2, ll. 10–11.

[32] Westerink, *Lettres d'un exile,* Letter 28 (to Sergios), Letter 17 (to Kosmas). It is possible to assume that the kinship of Niketas with the two brothers and nephews of the patriarch Photios, suggested in Letter 28, l. 17, was spiritual, Sergios being the godfather of one of Niketas' children.

[33] The function of the Byzantine 'uncle' has not yet been discussed. On the uncle as guardian of an orphan in early Byzantium and its legal implications, see the remarks of

From the detailed biography authored by Niketas Stethatos we learn that Symeon was born in around 949 in a Paphlagonian village to a prosperous couple.[34] When still a child, Symeon was sent to his grandparents in Constantinople in order to continue his education and, most probably, also to achieve a career as a court dignitary. Subsequently, the boy was entrusted to the uncle, who, supported probably by Paphlagonian connections, had important professional success by attaining the office of *koitonites* that is a eunuch's dignity.[35] Indeed, the young boy was taught grammar and became a skilful calligrapher. Through his uncle's influence Symeon eventually entered the imperial court as *spatharokoubikoularios*, a dignity reserved to eunuchs.[36] Thus, at some point, Symeon should have been castrated, but it is unclear whether this happened in Paphlagonia, by parental decision, or during puberty when he lived under the uncle's guidance.[37] Whatever the case may have been, Symeon's courtly career was abruptly terminated. Forced by political changes or by personal needs he abandoned his career at the court and chose a spiritual one instead.[38]

Symeon is a prolific writer of mystical poetry and prose, conceived and realised in two complementary directions: the spiritual education of the monks of the successive monasteries he lived in, and the revelation of his own intellectual evolvement. In both cases, Symeon declares that the process towards salvation is based on individual choices and experiences. As argued by Alexander Kazhdan, the teaching of Symeon denotes the loosening of community ties;[39] it also implies

E. Patlagean, *Pauvreté économique et pauvreté sociale à Byzance. 4e–7e siècles* (Paris and The Hague, 1977), 123–4.

[34] First edition by I. Hausherr, *Un grand mystique byzantin. Vie de Syméon le Nouveau Théologien* (Rome, 1928). Newer edition by S. Koutsas, *Άγιος Συμεών ο Νέος Θεολόγος* (Athens, 1994).

[35] On the Paphlagonian eunuchs' faction in the tenth- and eleventh-century Byzantium, see P. Magdalino, 'Paphlagonians in Byzantine High Society', in S. Lampakis, ed., *Byzantine Asia Minor (6th–12th cent.)* (Athens, 1998), 143–6.

[36] N. Oikonomidès, *Les listes de préséance byzantines des IXe et Xe siècles* (Paris, 1972), 301.

[37] The distinction between early and later castration in terms of physiology are discussed by S. Tougher, 'Byzantine Eunuchs: An Overview with Special Reference to their Creation and Origin', in L. James, ed., *Women, Men and Eunuchs: Gender in Byzantium* (London and New York, 1997), 176–7. For the tenth-century hagiographical portrait of the Paphlagonian Metrios, the saintly father who castrated his son, see K. Ringrose, *The Perfect Servant: Eunuchs and the Social Construction of Gender in Byzantium* (Chicago and London, 2003), 188–90.

[38] On Symeon's reasons for embracing the monastic life, see J. Koder, 'Ο Συμεών ο Νέος Θεολόγος και οι Ύμνοι του', in A. Markopoulos, ed., *Για την ποίηση του Συμεών του Νέου Θεολόγου* (Athens, 2008), 3–4 (with bibliography).

[39] A. Kazhdan, 'Predvaritel'nye zamečanija o mirovozzrenii vizantiskogo mistika x-xi vv. Simeona', *Byzantinoslavica* 28 (1967), 1–38, and briefly, Kahdan and Epstein, *Change in Byzantine Culture*, 91–2.

the emergence of the self in eleventh-century Byzantium. In this context, a central place is conferred on the individual perceived as an entity, both physical and spiritual, and the works of Symeon are a fine example of this conception. Indeed, he eagerly provides details about the stages that led him to spirituality, and he combines them with information about his physical appearance, the events that marked his life, and his emotions.[40]

In his writings, Symeon often refers to the difficult relations he had with the dignitaries of the Church and the state, and expresses repentance for the weaknesses of his soul.[41] The autobiographical tone is particularly stressed in one of his *Hymns*, in which he recounts his inner suffering because of a friendless and loveless life:

> How many times I wanted people to love me, desired to have closeness and openness with them, but nobody among upright people could bear me; others wanted to see me more and to be more closely acquainted with me, but I ran away from them. Good people avoided me on account of my external appearance, while evil people I myself avoided from my own volition.[42]

The verses convey the feeling of an involuntary marginalisation, to which Symeon was driven because of his appearance and his manners. In *Homily* 22, he recalls that at the age of 20 years he was a good-looking youth, who dressed in luxurious garments, strolled proudly, hence arousing the lascivious looks of those 'who only perceived my external appearance'.[43] In my view, he undoubtedly refers to the particular impression that the handsome eunuch imparted, serving in the imperial palace. In this context, the initial address 'my parents did not harbour natural love for me, my siblings … laughed at me' would denote Symeon's intense bitterness on account of the family's decision to castrate him in order to achieve a eunuch's glittering career in the imperial palace.[44] Moreover, through his verses, Symeon reconsiders the traditional position of the individual within the patriarchal family, and implicitly confers on the individual's free will a predominant place. In fact, when 20 years old, Symeon withdrew from the palace and retired to the Stoudios monastery. Half a century later, the mystical individuality of Symeon was

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[40] As in the autobiographical Homily 22, *Syméon le nouveau théologien Catéchèses*, ed. B. Krivochéine and trs. by J. Paramelle, vol. 2 (Paris, 1964). Koder, 'Συμεών ο Νέος Θεολόγος', 19, 26–30, discusses the influence of Gregory of Nazianzos on Symeon, especially in narrating his personal, mystical experience, complemented with autobiographical details. Cf. also, M. Angold, 'The Autobiographical Impulse in Byzantium', *DOP* 52 (1998), 230–1.

[41] 'Autobiographical' allusions may be detected in Hymn 24, ed. A. Kambylis, *Symeon Neos Theologos, Hymnen* (Berlin and New York, 1976), which treats of sin, repentance and humility, especially ll. 48–9, 64, 74–6.

[42] Hymn 20, ed. Kambylis, vv. 108–12. The translations are reproduced from H. Alfeyev, *Saint Symeon the New Theologian and Orthodox Tradition* (Oxford, 2000), 30, with emendations.

[43] Homily 22, ed. Krivochéine, ll. 24–7.

[44] Hymn 20, ed. Kambylis, vv. 98–100.

in the way of evolving into self-consciousness, and the complexity of emotions that the self generates in regard to the family had reached a more mature stage.

We know much, but we also know little, about Michael Psellos' biological family, although the issue has been thoroughly discussed. Except for the *Funeral Oration* he penned for his mother, the information he provides in his works is fragmentary, and the reconstruction of his family tree depends upon evidence drawn from the lemmata of his works, the letters he wrote and from letters exchanged after his death. Thus, it is assumed that he had at least three siblings and a biological daughter, Styliane. A daughter adopted after Styliane's death gave him a grandson.[45]

Psellos was not interested in simply narrating everyday events of family life. Instead he focused on the emotional response he had to events and attitudes that affected the family and contributed to the formation of the self. His recounting of the illness and death of Styliane, for example, is conceived in such a way as to capture and further develop moments and episodes that deepened the emotional bonds that connected the three characters of the narrative: the child, her mother and father.[46] Emotion permeates the *Funeral Oration* for his mother, in which autobiographical discourse is given a prominent position.[47] In fact, Psellos transformed a narrative traditionally dedicated to the praise of the dead person into a textual recollection of loving remembrances, turning the grief he experienced into recorded memories. Like Ignatios some three centuries earlier, Psellos describes the successive deaths of the beloved – the sister, the father, the mother – as heavy blows against the secure and affectionate nest that the nuclear family provided for him. However, unlike Ignatios, he perceived these losses as the gateway to a new identity, the starting point for the formation of his autonomous self. Furthermore, by inserting into the narrative a series of dream experiences which he had, he explains how he dealt with the grief he felt after the demise of his father and mother, and how he treated his conflicting feelings towards them.[48]

Psellos was aware that his parents wished the best for him. However, the father had opposed the son's aspiration to continue his education. At the time, the mother was his supporter, but she obviously had connected her son's education with an

[45] A. Kaldellis, *Mothers and Sons, Fathers and Daughters: The Byzantine Family of Michael Psellos* (Notre Dame, 2006), 10–16 (with bibliography).

[46] K. Sathas, *Μεσαιωνική Βιβλιοθήκη*, vol. 5 (Paris and Venice, 1876), 62–87. The use of the first plural form in order to designate the father and mother as couple is constant throughout the text. On physical contact as manifestation of a child's filial love, see Sathas, 66–7; cf. also Psellos' short text addressed to the grandson, ed. A. Littlewood, *Michaelis Pselli Oratoria minora* (Leipzig, 1985), 152–65.

[47] Cf. Kaldellis, *Mothers and Sons*, 30.

[48] The *Funeral Oration* considered as Psellos' emotional response to his parents are discussed by C. Angelidi, 'The Writing of Dreams: A Note on Psellos' Funeral Oration for his Mother', in C. Barber and D. Jenkins, *Reading Psellos* (Leiden and Boston, 2006), 153–66.

ecclesiastical career. Psellos was also aware that he had betrayed their expectations, and the *Funeral Oration* gave him the opportunity to express the weaknesses of his intellectual life, his turmoil and his regrets for the disappointment he caused. Still, the text is a response to parental authority, a declaration of fulfilled desires and belief in the individual's responsibility in determining one's choices and actions in life.

12

The Limits of Marital Authority: Examining Continence in the Lives of Saints Julian and Basilissa, and Saints Chrysanthus and Daria

Anne P. Alwis

Introduction

Studies on the early Christian family have revealed that in a domestic context authority exists in a continual state of flux.[1] The male role, for example, may be displaced by a potent intruder: the Son of God. He substitutes as a replacement father figure or bridegroom engendering conflict within the household and automatically disrupting the weight of masculine influence.[2] The familial sphere of patriarchal supremacy and feminine submission might be additionally fractured by the challenge of daughters and sons who embraced asceticism or by a wife who rejected her biological and social imperative.[3]

The most potentially disturbing rupture is caused by a continent marriage. For current purposes, I define this as a situation where husband and wife mutually vow to remain celibate from the inception of their 'union' but remain a 'couple', by leading a normative social life or by continuing to respond to one another in a manner as befits those in a relationship. Such an unorthodox connubial model strikes at the heart of Christian marriage.[4] The proclamation that 'a man shall leave his father and mother and shall be joined to his wife and the two shall become one flesh' was

[1] E. Clark, 'Antifamilial Tendencies in Ancient Christianity', *Journal of the History of Sexuality* 5.3 (1995), 356–80; K. Cooper, *The Fall of the Roman Household* (Cambridge, 2008); A. Arjava, 'Paternal Power in Late Antiquity', *Journal of Roman Studies* 88 (1998), 147–65; D. Martin, 'The Construction of the Ancient Family: Methodological Considerations', *Journal of Roman Studies* 86 (1996), 40–60.

[2] The now classic argument is K. Cooper, *The Virgin and the Bride: Idealized Womanhood in Late Antiquity* (Harvard, 1999).

[3] S. Elm, *Virgins of God: The Making of Asceticism in Late Antiquity* (Oxford, 1994) is a good starting point.

[4] For a full discussion of continent marriage, see A.P. Alwis, *Celibate Marriages in Late-Antique and Byzantine Hagiography: The Lives of Saints: Julian and Basilissa, Saints. Andronikos and Athanasia and Saints. Galaktion and Episteme* (London, 2011)

explicit and bequeathed an incontrovertible mandate for Christian women and men.[5] Since procreation was an obvious import, the severance of intercourse from marriage would inevitably herald the crumbling of society, dislocating authority in the family. How then does a man react when he voluntarily denies fatherhood and the role of husband? Given the parameters of edifying literature, how is he portrayed? What lesson does he teach by example? Does he lose his power and authority in the household and in society at large? Similarly, how is a woman represented when she willingly refuses motherhood and the duties of a normative wife? What form of interaction do the couple have with each other?

The consequence of the absence of intercourse is uniformly depicted as problematic in a variety of sources. For the Church Fathers and Christian moralists, the key basis for disquiet is sexual misdemeanour, namely adultery.[6] This presupposes either that the decision to embark upon a continent marriage is not reciprocal and/or that sexual desire is inherent and poised to attack. Even though Christian thought created an alternative mode of ascetic subsistence that conferred sanctity as a prize, such elevation teetered on a fragile knife edge.[7] In this particular context, for example, would both partners be equally willing to forgo sex and/or might they slip into temptation?[8] Thus, if the wife (usually the wife, when a marital situation is considered) does not yield her conjugal 'rights', she is blamed for her partner's sexual peccadilloes.

[5] Matthew 19: 5–6 echoing Genesis 2: 24 stated in both the J and P narratives of Genesis (Genesis 2: 18–25 and Genesis 1: 26–9 respectively. Stevenson points out that the emphasis on monogamy is surprising given the number of polygamous situations arising in the Old Testament: K. Stevenson, *Nuptial Blessing: A Study of Christian Marriage Rites* (London, 1982), 4. See also C. Brooke, *The Medieval Idea of Marriage* (Oxford, 1989), 41–51.

[6] Matthew Kuefler has shown that for early Christian Latin writers there was as much anxiety about the possible sexual transgressions of Roman men as there was about women, citing authors ranging from Lactantius to Jerome in M. Kuefler, *The Manly Eunuch: Masculinity, Gender Ambiguity and Christian Ideology* (Chicago, 2001), 162–5, esp. 162: "Cyprian of Carthage offered the opinion that a man who sinned sexually was even worse than a lapsed Christian who sacrificed to the pagan gods, since the latter acted only under compulsion while the former acted freely". See also Judith Evans Grubbs on Lactantius in '*Pagan* and *Christian* Marriage: the State of the Question', *Journal of Early Christian Studies* 2.3 (1994), 398.

[7] The cast list of Late Antiquity includes the eremitic hermit, the penitent prostitute and the domestic virgin.

[8] One parameter that initially needs to be established is whether we can truly talk of a continent marriage; that is, a marriage where, to a certain degree, both partners are actively involved in the relationship; with each other. Our sources almost uniformly report unions based on, essentially, repulsion, where one partner is regarded as an obstacle in the route to spiritual achievement. The obvious example is Melania and Pinian: the majority of the characters of Late Antiquity given voice in monastic and hagiographic discourse follow this pattern.

Monastic and hagiographic literature reveals that trouble inevitably flares when women aspire and take action to eradicate sexual intercourse from their lives.[9] The tempted male in the story, be he the husband or unmarried protagonist, is the hapless corollary, predicated on the belief that sexual urges are endemic to men. The familiar stories of the desert fathers are saturated with wretched men who are quarry to the innate dangers of women, some of whom have no idea of their innate feminine toxicity.[10] Whenever continent couples are unearthed, they are always living in secret for fear of societal reprisal.[11]

Authority is intrinsically linked to the absence of sex and the problems that ensue. Pelagius' advice to Celantia in the fifth century, in the west, provides a provoking example. She wishes to cease intercourse with her husband and Pelagius' response is the following:

> first of all, your husband should be given all authority, and the entire household should learn from you how much honour is owed to him. Show by your obedience that he is lord and by your humility that he is great.[12]

Pelagius' instinct is that the husband's self-esteem and status will plummet and his wife is therefore obliged to compensate so that his authority – here inherently linked to intercourse and a wife's subservience – is sustained.

It is therefore very exciting to find at least three couples celebrated in hagiography who, as I argue elsewhere, maintain to differing extents some form of interaction and who are confirmed as a continent married couple in their continued joint veneration: Saints Julian and Basilissa; Saints Galaktion and Episteme, and Saints Andronikos and Athanasia.[13] This is revolutionary for a belief system that

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[9] For example, Melania or Thekla.

[10] Moschos narrates tales of women who go to extreme measures to prevent men from being attracted to them. Women are regarded as instigators of lust, just because they are women, but here they attempt to combat the feelings of temptation they inspire. In one story, a woman retreats into the wilderness for seventeen years with only a basket of soaked beans when she realised that a man found her attractive. In a particularly shocking tale we are told of a woman who, on being told by an admirer that her eyes were her most attractive feature, immediately gouges them out: *John Moschos*, *The Spiritual Meadow*, tr. J. Wortley (Kalamazoo, 1987), nos. 179 and 59 respectively

[11] See, for example, the story of Theophilos and Maria as related by John of Ephesos in the *Lives of the Eastern* Saints, vol. 3, tr. E.W. Brooks (Turnhout, 2003), 166. For an examination of their story, see Alwis, *Celibate Marriage* (2011), 113, 117–18, 119, 121–2. In the *Vitae* examined today, both couples maintain a vow of silence about their unusual marriages. An example of the reactions of society in a late medieval western example lies in the life of Margery of Kempe who eventually was forced to separate from her husband. *The Book of Margery Kempe*, ed. B. Windeatt (Brewer, 2004), 1.76.

[12] Kuefler, *The Manly Eunuch*, 190 citing Pelagius, *Ad matronem Celantium* (edn *PL* 22).

[13] A translation and commentary of each *vita* plus literary and thematic interpretation of each couple's continent marriage is in Alwis (London, 2011). Julian and Basilissa (*VJB*)

found reconciling a form of friendship (here, harmony between man and woman) nonexistent and moreover, adds another dimension to domestic authority. What are its consequences in this form of continent marriage?

Two comparative case studies provide an interesting contrast. The *vita* of Chrysanthus and Daria (hereafter the *VCD*) conveys the attitudes we would expect, while the *vita* and passion of Julian and Basilissa (hereafter the *VJB*) contravenes these preconceptions. They are valid for assessment since each was composed in Latin between the third and fifth centuries.[14] Both were also translated into Greek and also, much later, Aelfric used the Latin versions to create accounts in Old English in order to make his own comments on marriage, virginity and chastity.[15]

The *VCD*

Chrysanthus and Daria were supposedly martyred during the reign of Numerian and venerated in fourth-century Rome.[16] Their tale is the shorter of the two lives. Chrysanthus is the son of a Roman senator and having accomplished the customary saintly fast-track position of academic/theological achievement, converts to Christianity. His father is dismayed and orders five beautiful maidservants, under threat of certain death, to seduce his son. Chrysanthus' prayers and his 'shield of faith' foil their repeated attempts and cause the girls to be overcome by an overpowering sleep. Friends persuade his father to marry his son to Daria, a willing Vestal virgin, on the grounds that her intelligence will conquer Chrysanthus. Unfortunately for his father, following a lengthy discussion, Chrysanthus successfully persuades Daria to convert and the couple agree to live in continence. The remainder of the story comprises their separate punishments after refusing to relinquish Christianity (Daria is thrown into a brothel; Chrysanthus is left naked in a room smeared with excrement), and ends with their joint burial, whilst still alive, in a pit on the Via Salaria.

is catalogued under *BHG* 970; Galaktion and Episteme (*VGE*), *BHG* 665; Andronikos and Athanasia (VAA), *BHG* 123a. I have dated the *VJB* to between the third and fifth centuries; the VGB to the ninth century (or a re-working in the ninth) and the VAA to the sixth century. Each has a very different perception of continent marriage.

[14] For evidence for the Latin origins of the *vita* of the *VJB*, see Alwis, *Celibate Marriage* (2011), 27–34 The *VCD* lies in *AASS* Oct. t. 11 (1864), pp. 469–84. For support that the *VCD* was composed firstly in Latin, rather than in Greek, see the convincing arguments posed in J. Noret, 'La passion de Chrysanthe et Darie a-t-elle été rédigée en grec ou en latin?', *Analecta Bollandiana* 90 (1972), 109–17.

[15] R. Upchurch, *Ælfric's Lives of the Virgin Spouses* (Exeter University Press, 2007); idem, 'The Legend of Chrysanthus and Daria in Ælfric's *Lives of Saints*', *Studies in Philology* 101.3 (2004), 250–69; idem, 'Virgin Spouses as model Christians: The legend of Julian and Basilissa in Ælfric's *Lives of Saints*', *Anglo-Saxon England* 34 (2005), 197–217.

[16] I will not go into the details of date of the text, its literary qualities or the cult of the saints. I am currently working on these issues for a forthcoming article.

The *VJB*

This text has a very clear bipartite structure: *vita* and passion. The *vita* tells of the devout youth Julian who lives a happy life of Christian austerity in Antinoopolis, Egypt. He is faced with intense familial pressure to marry but only yields when reassured by God in a dream. He is told that his future wife will commit to lifelong virginity with him. On their wedding night Julian persuades Basilissa to enter into a continent marriage. The young virgin's acquiescence is marked in no uncertain terms with the sudden appearance of Christ, Mary and thousands of radiant angels in their bedroom, whose foundations are literally shaking.

After their memorable wedding night the couple convert their home into two monasteries and tend to young men and women, instructing them. Basilissa dies peacefully shortly after and the *vita* effectively ends. The passion commences with the persecution in Egypt set during the reign of Diocletian and Maximian. Julian proves his worth as an athlete of God in a lengthy narrative by leading a mass conversion, which includes the governor's son Kelsios and his wife Markianilla.[17] After defiantly enduring several graphic and gruesome tortures, he is beheaded but not before Basilissa manifests in a vision to him, telling him that she awaits him in heaven.[18]

How then does authority function in these paradoxical marriages? It appears to operate in myriad ways as soon as husband meets wife, for this is when the initial decision for continence is made, and male authority is distinctly preserved.[19] In each instance, the act necessitates persuasion from the husband to obtain his desire not, paradoxically, for the gratification of lust but for celibacy. Persuasion was traditionally a negative feminine trait that persisted from Classical antiquity but here, words are now a man's weapon. He is not feminised or considered inferior by his actions because the goal is union with God, whilst his further numerous feats in the narrative (withstanding torture; willingly undergoing martyrdom) solidify this status. Thus persuasion here helps perpetuate male authority in the marriage.

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[17] The *vita* comprises 16 chapters; the passion, 47.

[18] Both the *VCD* and *VJB* lend easily to a facile discounting of 'hagiographic fiction/romance'. Such discourse is permeable and temporal: sacred biographies need to be contextualised as much as possible, looking at how and where they are copied, for example, as well as being mined for nuggets of archival material. More importantly, they are subject to the desires of their copyist/redactor; an eleventh-century copy is distinct from, say, its sixth-century original. A fine example of this is the *vita* of Andronikos and Athanasia whose extant recensions follow the exemplum listed above and whose eleventh-century version neatly follows the novelistic trend of the period in contrast to its desert-fathers origins, see Alwis, *Celibate Marriages* (2011), 35–8, 122–5.

[19] It must be borne in mind that these examples are not paradigms for the phenomenon of continent marriage – each case must be assessed in terms of the *vita*'s date and literary themes. See Alwis, *Celibate Marriages* (2011), 51–80.

The husband's action contrasts with our sources that generally tell of wives who are usually admonished or advised to the contrary when they wish to cease sex within their marriages, though certainly tales of reluctant bridegrooms are prevalent.[20] We saw earlier that by denying their husbands' conjugal 'rights', women are perceived as encouraging them to commit adultery. But in the *VCD* and *VJB*, no similar warning casts a cloud over the proceedings because these two tales have been constructed in such a way as to maintain the dominance of the male.[21] Each husband is the instigator of celibacy and the authoritative figure who speaks with the weight of divine knowledge.

Once the initial desire for continence has been projected, the ensuing events take on a very different shape, with the wives gaining prominence. Daria, in the *VCD*, is initially posited as a potential sexual threat to Chrysanthus, as we might expect. Before she appears the hagiographer constructs a sexually charged scenario where Chrysanthus is surrounded by temptation incarnate. Once the familiar rhetoric of the perilous woman has been established, it is time for Daria the Vestal virgin to make her entrance and it is thus unsurprising when Chrysanthus immediately accuses her of being little more than a prostitute. Her response to this slander is one of indignation; we are told that she is 'stung'.[22] She retorts that she is drawn to Chrysanthus not because of lust but because 'I felt sorry for your father's tears and want to restore you to him and call you back to the worship of the gods'.[23]

Daria's first act is to uphold familial authority, specifically of the father, but project none of her own. Her defence is solely to condone her role as a future wife. She is a confirmed virgin (a Vestal), happy to continue her liminal sexual status and thereby subdues any fear that she embodies a sexual threat. Daria is proving herself a worthy consort of Chrysanthus. In terms of any changed marital dynamic and thus any mutation of authority, it is clear that any open interaction occurs before they are married, when they are engaged not in love, but in debate. It appears that for the hagiographer, Daria's budding volatility could not emerge once marriage had taken place. Since she is not yet married, however, she is allowed to argue her

[20] Alexis is the most famous example and lends his name to a group of similar tales, see B. de Gaiffier, 'Intactam Sponsam Relinquens: à propos de la vie de S. Aléxis', *Analecta Bollandiana* 65 (1947), 157–95. The other men in this group are the brother of S. Syncletica, Macarius the Roman and S. Bernard. Once a couple is married, the situation usually calls for the wife to rebel. An example to the contrary, however, is the story of Amoun of Nitria in Palladius' *Lausiac History*. To see how Amoun's story fits into the generic chastity tale, see Alwis, *Celibate Marriages* (2011), 113, 115–16, 118–20.

[21] Kuefler, *The Manly Eunuch*, 187: 'Upholding the moral permissibility of marriage, even while relegating it to an inferior status, aided in the important task of continuing men's domination and women's subordination'.

[22] '*conpuncta*': *VCD* 9: 171. All *VCD* translations are taken from Upchurch (2007). He uses P. Bib. Nat. 13764, ff. 118^{v} – 37^{r} (10th century). The readings are very close to the *Acta Sanctorum* edition. All *VJB* translations are my own.

[23] *VCD* 9: 172–3.

case once Chrysanthus explicitly gives her permission. He wants to hear her claims and acknowledges her intelligence:

> If you know something that genuine reasoning (ratio) would make clear to me, then I will consider it and will listen carefully so that you might willingly hear and respond to the other side of the argument.[24]

The assumption is made that she is capable of rationality. In other words, he technically surrenders authority to his future wife, permitting her to counter his argument. However, the hagiographer is careful to limit Daria to only 20 sentences of pagan rebuttal. By far, Chrysanthus assumes the mantle of power by the length and number of his speeches. His dialogue amounts to four major speeches (80 lines in total). The hagiographer therefore starts to experiment with their relationship but has no interest in taking his couple further. This is further reflected in the tenor of their conversation, which is recorded in direct speech for emphasis. It has no bearing on them as people about to embark upon an unorthodox situation – no conversation on virginity, celibacy or marriage – but instead focuses on a sustained polemic against the Olympian gods. The one time the pertinent themes do appear is purely incidental, when Chrysanthus is listing the torrid misdeeds of Jupiter:

> Now what can be divine about Jupiter, who was so opposed to all chastity that until he died he polluted the very sky with Ganymede's blood and, as I mentioned, defiled the earth with his sisters?[25]

Finally, six sermonising chapters later, Daria 'believed' and so they 'took up the pretence of marriage in order that they might endure to the end in reverence for God and the glory of chastity'.[26]

Once Chrysanthus persuades Daria, the story is solely concerned with their individual tortures and death. The opportunity to explore the marital bond and provoke questions on authority is elided. The only action that they perform together is to attract thousands of people to them for Christian guidance, causing civil riots.[27] But no further elaboration is given, in stark contrast to the *VJB*, as we shall see later. Once they are married, aside from their spiritual community run on unspecified grounds, Chrysanthus and Daria have no communication with one another as a couple. There is no episode in the *VCD* where they interact except at the last when they are buried alive together. Even here, they say not one word to each other but the hagiographer finally gives voice to their marriage in his final statement about them:

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24 *VCD* 9: 174–6.

25 *VCD* 9: 206–8.

26 *VCD* 14: 282–4.

27 *VCD* 15: 292–5.

> they were united by blood in their suffering just as they had also been joined in spirit as husband and wife, enduring to the end in one desire, in one pit, as if in one bed … Moreover, God accepted the living sacrifice, and his grace enabled those who had endured together in virginity to attain the crown together and live forever.[28]

From the loud silence that resonates, it is clear that Chrysanthus and Daria's continent marriage is one factor that proves them worthy of sanctity and eventual martyrdom but it does not define them. Any dangerous questions of spousal authority are thus avoided. Chrysanthus maintains the upper hand throughout and the lessons the *VCD* generates are clear.

The wresting, retention and transferral of authority completely change in the *VJB*. As I will argue further on, I believe that the figure of Basilissa was an invention of a later redactor and accordingly, he is more invested in his protagonists and their relationship. For that reason, Basilissa's character is fleshed out and the dynamic between the protagonists gains momentum. For example, in contrast to Daria, who embodied the conventional sexual threat voiced by our sources, Basilissa's credentials are established long before she even appears in the story. When the unwilling Julian is being forced into marriage, he is reassured by God in a dream that:

> you will have a wife who will not separate you from Me by defiling you, but through you she will remain a virgin and I will receive both you and her in Heaven as virgins.[29]

By securing Basilissa's virtues in Julian's mind, the pair's relationship is already being crafted positively in his (and the audience's) subconscious. The demon of lust has no foothold on their wedding night, highlighted further once Julian leads his bride into the bedchamber. There he is encouraged again that his bride is blessed with divine sanction, when she smells the scent of lilies and roses – the symbols of purity and martyrdom.[30]

It is at this point that we see the first sign of a subtle transference of authority (here, equivalent to knowledge and power) since it is she, not he, to whom the fragrance of sanctity adheres. However, the hagiographer ensures that the young bride does not undermine Julian as she is unaware of the nature of the aroma. Moreover, it is left to her husband to explain its immediate significance and its consequences for both of them:

> the most beautiful scent that appeared to you is independent of season and time. It is He, Christ the Lord, Who issues grace to each of the seasons, He Who is a lover of chastity, He Who grants eternal life to those who guard the integrity of their body. If you wish, accept His commands with me so that we may love Him with all our strength, so that we may guard our virginity as a

[28] *VCD* 26: 465–70.

[29] *VJB* 4: 94–7.

[30] *VJB* 6: 159–60.

> granted reward, and we will become, in this lifetime, His chosen vessels in which He will dwell in the future, and we will reign with Him and not be separated from Him.[31]

Julian's authority is maintained and since his bride is already a Christian, there is no need for him to embark upon a lengthy discussion on the merits of Christianity, as Chrysanthus did. Julian and Basilissa's brief conversation is wholly focused on the merits of virginity and the reasons why they are about to undertake their paradoxical union. Unlike the *VCD*, the *VJB* is far more centred on marriage, or, at least, it is a locus for discussion. Neither protagonist ignores the complex situation they are creating for themselves. With this changed dynamic comes a new sensibility to the interactions of husband and wife and their new roles within the marriage.

This starts to occur once their heady wedding night turns to the light of day, when the couple continue to communicate and remain in close proximity. They make a joint decision to divide their homes into two monasteries:

> The blessed ones agreed not only to be anxious for their own salvation but also to accept the care of many souls. They divided their homes and they set up two lamps high over a lamp stand in which the eternal king granted the oil of grace and through them <they> burnt out the weeds and the thorns of the sinners, pouring out with the flaming word to the unknowing.[32]

Julian does not question if Basilissa is capable of running such an enterprise nor does he doubt her suitability as an authority figure to the virgins in her charge. He relates to her as an equal. Their mutual decision reaps rewards:

> And nobody can count the number of souls who were perfected through aint Julian and who went to Heaven. Similarly, the blessed Basilissa sent ahead to Heaven the souls of virgins and women who were freed from the pollution of the world. And for Julian, it was a holy trade of men and through Saint Basilissa, the victory of chastity shone forth in the virgins and women.[33]

At a similar point in the *VCD*, we were simply told that Chrysanthus and Daria attracted 'a host of men <who> flocked to the grace of Christ through Chrysanthus, so did innumerable women flock to Him through Daria'.[34] But the *VJB*'s hagiographer is more concerned with detail, his characters and in delineating his couple's relationship. Another example occurs when persecution descends upon the married couple. They cope by consulting with one another how best to handle the situation with regard to the people who are in their spiritual care.[35] Not only

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[31] *VJB* 6: 170–9.

[32] *VJB* 10: 262–8.

[33] *VJB* 10: 283–9.

[34] *VCD* 14: 289–91.

[35] *VJB* 11: 294–7 'In the times of Diocletian and Maximianus, the madness of persecution fell and suspicion of it spread all over the province of Egypt. When the rumour was confirmed, the saints discussed it amongst themselves'.

does the marital dynamic change in the *VJB* but its hagiographer is happier than his *VCD* contemporary to allot authority to Basilissa as an individual. Though Basilissa seems on a par with Daria in her virginal disposition, the hagiographer carves her image with care. He crafts her with a sense of identity before she comes into view, as we have seen, and her importance is confirmed the moment she acquiesces to a continent marriage. Divine approval instantaneously erupts (literally) as the couple's bedroom shudders and a luminous brightness permeates the scene of their vow.[36] The *VJB* magnifies the decision for continence viscerally with a magnificent vision of Christ, Mary and thousands of angels who proclaim to the bedazzled pair that they have 'won'.[37] Julian and Basilissa are singled out individually and praised whilst Basilissa is elevated to heights that Daria never reached.

She also effectively becomes the protagonist for the last sections of the *vita*. In her new role as a virgin wife, Basilissa is now permitted to preach, to advise, to condemn and to send people on to heaven. She is allowed a voice after she is married, in contrast to Daria. Julian too performs the same duties but it is Basilissa who garners the hagiographer's attention. She delivers two long sermons, in effect, in direct speech in contrast to Julian who remains silent.[38] Thus, authority is surprisingly balanced in this relationship and Julian does not enforce his patriarchal rights. The hagiographer is exploring how far he can take his characters.

But there are always limits. While Basilissa is assigned far more control than Daria and her marriage with Julian is carefully outlined, the hagiographer always makes it clear that she never really poses a threat to her husband. Julian never displays any sign of attraction to her and he is secure in the knowledge that God Himself has comforted him that she is not a threat. Moreover, no taint of sexuality pervades Basilissa; her powerful, sermonising speeches to her virgins never exceed the bounds of approved knowledge. They centre on seemly conduct and the upholding of virginity.[39] In this way, Julian never loses his authority in the marriage, either as a man or a husband.

However, whilst spousal and individual authorities are played with and ultimately resolved by Basilissa's complicit performance, the hagiographer does succeed in pushing the boundaries of the couple's relationship by allowing them genuine and balanced interaction, as we have seen. The most touching aspect of their bond occurs late in the passion, 43 chapters after Basilissa has died and during which she has never been mentioned. She manifests to Julian in a dream as he is about to die and reminds him that she is in heaven and is waiting for him.[40]

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[36] *VJB* 7: 188–90 'And behold, suddenly, the foundations of the bedroom began to move and an ineffable light shone forth, so that the light in the house was covered by the magnitude of that light'.

[37] *VJB* 7: 190–7.

[38] *VJB* 13 and 14.

[39] For a full exploration of Basilissa as virgin wife and an analysis of virginity as a malleable construct, see Alwis, *Celibate Marriages* (2011), 99–102.

[40] *VJB* 58: 1337–47.

The Creation of Basilissa

I believe the reason that Basilissa is given an unprecedented voice in her relationship is because she was deliberately created in order to portray a bond that transcends death and also to explore how far it was possible to explore an imaginative universe.

Through a linguistic survey, I have surmised elsewhere that the *VJB*'s passion, which tells the tale of Julian, a martyr of Antinoopolis, was created first, in Greek. In this passion, Julian is unmarried. The *vita* was then shaped as a prequel in Latin, and, possibly inspired by the *vita* of Cecilia, the hagiographer was moved to fashion a wife for his saint.[41] My reasons for Basilissa's conception are as follows.

Julian and Basilissa figure twice in the *Synaxarium of Constantinople*: 8 January tells of the martyred husband and wife, Julian and Basilissa; however, 21 June relates that Julian is single. Basilissa is named as Markianos the governor's wife.

There are two possible reasons for this discrepancy, both predicated on a Greek passion being composed for Julian. In the first instance, Julian is martyred together with the governor's son, Kelsios, and wife, Basilissa. When the story is copied in the west, a *vita* is created in Latin, inspired by Cecilia. Both *vitae* have remarkably similar bedroom scenes, linguistically and thematically.[42] Obviously, Julian then needs a wife and so she is formed and called Basilissa, recycling a character already present, whilst Markianos' wife is now allotted the patronym of Markianilla, as has survived in the extant versions.

As we have previously seen, at the end of the entire *VJB*, a Basilissa unexpectedly appears to Julian in Chapter 59. She is the key participant of this episode and her purpose is to strengthen Julian's resolve and to remind her husband of what awaits him after death. Until this point, no mention has been made of Julian's wife by him or anyone else in a total of 47 chapters. If this Basilissa was meant to be the governor's wife as hypothesised in the first option (as listed in the *Synaxarium* under 21 June), the passion would simply not make sense since the governor's wife features in subsequent chapters, eventually dying in Chapter 62.

Basilissa's return in Chapter 59 is therefore a later interpolation, produced to strengthen the bond between husband and wife and perhaps to reinforce the *vita* and passion as a complete unit. This is supported by the fact that Basilissa is accompanied by the whole chorus of saintly virgins, which reflects back to her role and function in the life. Chapter 59 therefore must have been inserted after the *vita* was composed.

The second, more remote, possibility is that Julian's passion did originally include Basilissa his wife but the sections pertaining to her were lost. Her sole memory is enshrined in Chapter 59 of the Greek text, so taking this as a cue the eager Latin copyist crafted his tale of continent marriage, using Cecilia as his guide. This is far more unlikely as the passion reads as a complete work with few or

41 Alwis, *Celibate Marriages* (2011), 32–4.

42 See Alwis, *Celibate Marriages* (2011), 32–3.

little suspicious gaps. Once the Latin *vita* is complete, the Greek passion is then translated into Latin to create a satisfying whole.

Authority, Gender and Fertility

Basilissa's deliberate creation triggered a fresh spousal dynamic, which strained the depiction of the limits of traditional authority within the family. To portray a continent marriage is to portray a problem. The *VCD* reconciled authority with the absence of intercourse by avoiding any discussion of marriage whatsoever. Chrysanthus maintained his dominance as a husband and Daria's role upheld her husband's choices. The *VJB* attempts a new angle by expanding the role of the wife and presented a portrait of a couple who preserved a form of marital concordia. Nevertheless, even within this particular depiction, male authority is sustained in traditional form. It seems that it was easier to manipulate and extend female roles than the male.

When investigating the various forms of Christian marriage, it is evident that authority is very much dependent upon a binary gender: two poles set in opposition. Any move away from the masculine, for example, is automatically construed as a feminisation and in numerous instances this is indeed the case.[43] However, Susanna Elm has uncovered an intriguing aspect of Gregory of Nazianus' writings, where, in her interpretation, 'Gregory himself had become a dysfunctional mother and impotent father'.[44] The passage she refers to is *Carmen* 2.1.5.9 where Gregory refers to his congregation as relating to him in the same way as a disappointed infant 'pulls on a dry nipple with his thirsty lips'. The crux of Elm's argument is that Gregory's embrace of the feminine does not detract from his maleness but rather creates a new 'humanity': a double potency that creates a new form of authority.[45] Gender and authority here are associated with fertility; it is the potential for procreation, or the embrace of fertility, that unleashes power.[46]

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[43] For a modern perspective on the gender dichotomy and a call for a greater caution for contextualisation, see J. Boydston, 'Gender as a Question of Historical Analysis', *Gender and History* 20:3 (2008), 558–83.

[44] S. Elm, 'Family Men: Masculinity and Philosophy in Late Antiquity' in P. Rousseau and M. Papousatkis, eds, *Transformations of Late Antiquity: Essays for Peter Brown* (Aldershot, 2009), 279–301, cited here at 287.

[45] Elm (2009), 289.

[46] Other forms of familial authority are explored in the *VJB*. For a full exploration, see Alwis, *Celibate Marriages* (2011), 52–5. One particularly interesting example is the battle between father and son – the governor (Markianos) and his boy (Kelsios). The father's lament for his son who converts to Christianity is a striking illustration of the ties between authority, gender and fertility. The leader is portrayed as a figure of indisputable authority but Kelsios' conversion to Christianity by Julian and the boy's vociferous public condemnation of his father's private and public authority leaves Markianos distraught. Kelsios only

In the *VJB*, Julian and Basilissa are specifically allotted roles as spiritual parents and their charges, whom they call their 'children', refer to the couple as their 'father' and 'mother'.[47] Chrysanthus and Daria too become spiritual parents to the people they teach. Fecundity, the requisite for 'normative' marriage, is played out on another heavenly level. Though double potency is never explicitly mentioned and husband and wife remain in their separate gendered compartments, Chrysanthus and Daria, and Julian and Basilissa's unearthly potency confirms their humanity and place in the world they so ardently wish to escape.

acknowledges Julian as his father: *I recognise you, father of my second birth, whom Christ my master reveals* (*VJB* 29: 723–4). He adds later: *I deny and despise Markianos my father, the enemy of men* (*VJB* 46: 723–4), and later, he addresses his father as 'governor' (*VJB* 51: 1186). In so doing, Kelsios not only compounds his rejection of his father but invokes what also lies at the heart of Markianos' despair: the public flouting of his political authority. As Markianos puts it: *O the insatiable shame in my breast* (*VJB* 43: 996–7). Kelsios runs through the squares of Antinoopolis, throwing himself at Julian's feet, kissing the saint's wounds and shouting: *Why are you amazed, all you citizens who have gathered? You recognise me; I am the son of the leader* (*VJB* 29: 734–6). We not only see the enormity of Kelsios' reactions from his father's perspective but from other's responses: *His teachers turned to flight and all the city ran to the spectacle where such a thing was happening* (*VJB* 29: 729–31). Bereft, Markianos remarkably describes his son as *the fruit of my belly* (*VJB* 31: 755). Like Gregory, Markianos claims dual parentage and potency but the circumstances are very different. Using Elm's interpretation, the loss of Markianos' authority is even more starkly realised as the man who once assumed absolute power/fertility/ authority is now utterly helpless. Of course, another view is that the hagiographer simply wanted to emphasise the degree of loss felt by the father but it is noteworthy that he chose to do so with a fertility metaphor.

[47] *VJB* 11: 318; 10: 280 and 13: 363 respectively

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Response

Janet Nelson

How was authority exercised within the family, and how did this change over time? If these questions are as interesting for historians of the post-Roman west as for Byzantinists, it is equally true that their importance is matched by the variegated difficulty of answering them. Byzantinists and westerners alike have approached both questions by asking how Christianisation altered classical patriarchy.[1] In a pair of fine papers, Anne Alwis and Christine Angelidi take the entrée offered by hagiographical texts.

Alwis's starting point is Christianity's doubly disruptive potential: the authoritative father or bridegroom was displaced in the household not only by Christ as 'potent intruder', but by the ideal of continent marriage as represented in the singular *Life* of a consenting pair. Alwis deftly unpacks the functioning of authority (including parental pressures to reproduce the family) in specific examples, showing how the male's dominance is constructed and preserved, even if both spouses are assigned a good deal of agency in their choice of chastity, and in their 'procreation' of spiritual offspring. In her concluding remarks, Alwis first notes that authority in these texts depends on gender, in terms of 'two poles set in opposition', but then acknowledges the potential for both parties to combine kinds of authority gendered female and fecund as well as male and potent.

Angelidi, ranging more widely in terms of genre and time, still devotes much of her discussion to material in *Lives*, especially that of St Philaret, written in the 820s by the saint's grandson and godson, which offers a rare case of a family traced across four generations. In Byzantinist historiography, this text is a star witness to partibility and nuclear-family units in the period before c.1100, with the extended family developing later, and 'fully' in the twelfth-century aristocracy. Letters addressed in the ninth and tenth centuries similarly attest similarly 'small' families. Those of Niketas Helladikos mentioning close relatives strike Angelidi as 'lacking direct expression of personal emotion'. Angelidi returns to hagiography to find such emotion attributed to the eunuch Symeon the New Theologian, and

[1] P. Brown, *The Body and Society: Men, Women and Sexual Renunciation in Early Christianity* (New York, 1988); G. Clark, *Women in Late Antiquity: Pagan and Christian Lifestyles* (Oxford, 1993); K. Cooper, *The Fall of the Roman Household* (Cambridge, 2008).

then apparently confirmed by Symeon himself in a hymn in which he bewails the harshness of his parents and siblings.

Reliance on hagiography for such glimpses of Byzantine family relationships can be paralleled in the earlier medieval west. Here the late antique paired *Lives* analysed by Alwis also circulated – that of Julian and Basilissa interestingly in ninth-century northern Iberia, where it apparently inspired King Alfonso to remain 'the Chaste', and in late tenth-century England where, as Alwis notes, Ælfric translated it into Old English. Hagiography flourished differently in Merovingian Francia: here *Lives* written up very shortly after the deaths of their subjects, and for liturgical use in local sites of memory, attested and constructed 'aristocratic self-sanctification'. Gendered power of and within great families is depicted as functioning in strongly political ways.[2] Women can be seen as instrumentalised by fathers and brothers and husbands, yes, but also as possessing a certain agency, thanks to wealth, rank and charisma, even if they often had to wait for widowhood or survive years of hostility from their own kin and from rival families. Historians of family life in Francia have other material to complement and act as cross-checks on these *Lives*. Charters can confirm the general historicity of circumstantial details distinguishable from genre-bound topoi, while legal formulae allow the investigation of relations of power and interdependence at social levels below that of the great families.[3]

Alwis and Angelidi are representative of the tremendous enterprise Byzantinists have shown in tracking down and bringing to life authors and audiences of *Lives*. Western historians have been no less enterprising. In fact these are professional colleague-groups that really ought to talk to each other more often, and not least in the specific case of the paired *Lives* of chaste couples. Dyan Elliott, in a characteristically penetrating and thoughtful discussion, labels these *Lives* 'ahistorical' and 'nonhistorical', but then calls them 'pious fabrications … culturally true to the beliefs and fantasies of their writers and readers'.[4] Different, but no less valuable, than reconstructing how family authority was conceived and exercised in a religious context is tracing how that authority was applied in a political one.

[2] P. Fouracre and R. Gerberding, *Late Merovingian France: History and Hagiography 640–720* (Manchester, 1996), deal in the excellent introduction and commentary with other aspects than gender: cf. R. Le Jan, 'Convents, violence, and competition for power in seventh-century Francia', in M. de Jong and F. Theuws, eds, *Topographies of Power in the Early Middle Ages* (Leiden, 2000), 243–69; and J.M.H. Smith, '*Radegundis peccatrix*: authorizations of virginity in late antiquity', in P. Rousseau and M. Papoutsakis, eds, *Transformations of Late Antiquity: Essays for Peter Prown* (Aldershot: Ashgate, 2009), 303–26.

[3] R. Le Jan, 'Convents, Violence and Competition for Power in the 7th Century Francia', in M. de Jong, F. Theuws and C. van Rhijn, eds, *Topographies of Power in the Early Middle Ages* (Leiden, 2001), 243–69; A. Rio, *Legal Practice and the Written Word in the Early Middle Ages* (Cambridge, 2010).

[4] D. Elliott, *Spiritual Marriage: Sexual Abstinence in Medieval Wedlock* (Princeton, 1993), 62, n. 50, 64, n. 57, and 65.

Only start connecting, using the lens of gender, and in no time you are seeing how the 'culturally true' affects social action – and appreciating, yet again, the benefits of carefully structured comparison.

Two final points: one is about genre and false expectation. Byzantine and western historians alike have often assumed, anachronistically, that early medieval letters as such express emotion: sometimes they do, yet epistolary style and convention, derived from antiquity, can also be consciously put to work to suppress emotion.[5] Legal formulae often take the form of letters in which expressions of emotion have survived the stripping-out of all reference to specific people and contexts. Documents are often the reverse of dry and dusty. The other point is about the risks of circular thinking that arise for all of us historians, when evidence is so often (and not just for medievalists, eastern and western) frustratingly short. Behind questions of authority in families lie assumptions about the shape and size of families, and how and when these changed. For several decades from the 1950s, historians' working model was of the early medieval family in the west as baggy and sprawling and bilineal until c.1000 when it became patrilineal and slimmed down – a model only recognised as seriously over-determined in the 1990s, and nowadays largely abandoned.[6] A broader range of possibilities can now be envisaged: individuals perceived themselves and functioned as members of small or nuclear families in some contexts, and of larger groupings in others; wealth and rank bred large-family consciousness, poverty kept relationships working within a narrower group; and the growth of towns produced documentary evidence for both models.[7] There are hints in Byzantine historiography of similar straitjacketing, which might be followed by similar attempts at more flexible modelling. Historians of east and west traverse the same seas, after all, and can remain within shouting distance.

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5 G. Constable, *Letters and Letter-Collections* (Turnhout, 1975).

6 P. Stafford, 'La mutation familiale: A Suitable Case for Caution', in J. Hill and M. Swan eds, *The Community, the Family and the Saint: Patterns of Power in Early Medieval Europe* (Turnhout, 1998), 103–25.

7 D. Owen Hughes, 'From Brideprice to Dowry in Mediterranean Europe', *Journal of Family History* 3 (1978), 262–96.

Part V

The Authority of Knowledge

14

Knowledge in Authority and Authorised History: The Imperial Intellectual Programme of Leo VI and Constantine VII

Paul Magdalino

In the middle of his *Chronographia*, Michael Psellos, writing c.1060, had this to say about Byzantine emperors:

> The crown and the purple are not enough for them, but if they are not wiser than the wise and more clever than the experts, and, in a word, the loftiest summits of every virtue, they take it very badly.[1]

Some 130 years later, Niketas Choniates echoed and amplified these comments in his narrative of the period after 1118:

> It is not acceptable for most emperors of the Romans just to reign, wear gold, and use common property as their own, treating free men as slaves, but if they do not also appear wise, godlike in looks, heroic in strength, full of holy wisdom like Solomon, divinely inspired dogmatists and more canonical than the canons – in short, unerring experts in all human and divine affairs – they think they have suffered grievous wrong.[2]

Psellos was alluding specifically to the emperor Constantine IX Monomachos (1042–1055) and Choniates to Manuel I Komnenos (1143–1180). Yet the fact that both historians generalise on the basis of the specific examples, and that the twelfth-century historian deliberately echoes the generalisation of his eleventh-century predecessor, shows that they were keen to make a general point. Imperial encomia confirm that emperors did like to be celebrated for their wisdom, as an important part of the cardinal virtue of *phronesis* that every ruler was supposed to

1 Michael Psellos, *Chronographia*, VI.74, ed. S. Impellizzeri, *Michele Psello, Imperatori di Bisanzio* (Milan, 1984), I, 120.

2 Niketas Choniates, *Historia*, ed. J-L. van Dieten, CFHB 11 (Berlin and New York, 1975), 209.

possess.[3] Other sources show that a significant number of emperors did profess intellectual knowledge, or at least gain a reputation for learning, in order to enhance their authority, especially in religious affairs. Among them were some of the greatest imperial names (Julian, Justinian, Heraclius, Alexios I Komnenos), as well as some of the most accomplished Byzantine writers (Theodore II Laskaris,[4] John VI Kantakouzenos,[5] Manuel II Palaiologos[6]). The list includes not only bookish, palace-bound emperors who lived at times of literary 'renaissance' (Theodosius II, Leo VI, Constantine VII, Michael VII, Andronikos II), but also some of the soldier emperors who ruled at the cultural low point of the Byzantine 'Dark Ages' and whose theological knowledge was later ignored or rubbished in the main historical record because of their controversial religious policies. Philippikos Bardanes (711–713), the emperor who brought back Monotheletism, is said to have been 'educated and versed in secular learning'.[7] Leo III (717–741) composed a long apology for Christianity in reply to a challenge from the Caliph 'Umar II, and he posted at the gate of the palace a pictorial florilegium of biblical quotations supporting the veneration of the Cross.[8] His son, Constantine V (741–775), not only formulated the theology of iconoclasm but preached it in public.[9] Leo V (813–820) scoured the monastic libraries of Constantinople for books to justify the revival of iconoclasm in 815.[10]

[3] See the prescriptive remarks of Menander Rhetor in his influential treatise on how to write an imperial encomium: ed. and tr. D.A. Russell and N.G. Wilson, *Menander Rhetor* (Oxford, 1981), 84–7, 89–93. Cf. also N. Radošević, 'The Emperor as the Patron of Learning in Byzantine *Basilikoi Logoi*', in *Τὸ Ἑλληνικόν: Studies in Honor of Speros Vryonis Jr*, I, ed. J. Langdon et al. (New Rochelle, NY, 1993), 267–87.

[4] See D. Angelov, *Imperial Ideology and Political Thought in Byzantium, 1204–1330* (Cambridge, 2007), 204–52.

[5] See D.M. Nicol, *The Reluctant Emperor* (Cambridge, 1996), 134–60.

[6] See J.W. Barker, *Manuel II Palaeologus (1391–1425): A Study in Late Byzantine Statesmanship* (New Brunswick, 1969), 395–439; see also the editions and translations of his works by G.T. Dennis (*The Letters of Manuel II Palaeologus*, CFHB 8][Washington, DC, 1977]) and J. Chrysostomides, *Manuel Palaeologus' Funeral Oration on his Brother Theodore* (Thessaloniki, 1985).

[7] Tr. J-B. Chabot, *Chronique de Michel le Syrien, Patriarche Jacobite d'Antioche (1166–1199)*, II/3 (Paris, 1904), 479; see in general J. Herrin, 'Philippikos "the Gentle"', in H. Amirav and Bas ter Haar Romeny, *From Rome to Constantinople: Studies in Honour of Averil Cameron* (Leuven, 2007), 251–62.

[8] See P. Magdalino, 'The Other Image at the Palace Gate and the Visual Propaganda of Leo III', in E. Fisher, E. Papaioannou, D. Sullivan, eds, *Byzantine Religious Culture: Essays in Honor of Alice-Mary Talbot*, Leiden: Brill).

[9] Theophanes, *Chronographia*, ed. C. de Boor (Leipzig, 1883; repr. Hildesheim, 1981), I, 427.

[10] *Scriptor incertus*, ed. I. Bekker, *Leonis Grammatici Chronographia*, CSHB (Bonn, 1842), 350ff.

Thus the general point made by Psellos and Choniates was, in general, well made. Pretension to intellectual authority did tend to come with the job of Byzantine emperor, and emperors with no claim to *logos* and *sophia*, such as Justin I and Michael II, were the despised exception rather than the rule.[11] The intellectual daughter and second son of Alexios I seem to have felt that their learning qualified them for the job better than their elder sibling, John II.[12] Whether knowledge – or pretension to knowledge – in authority was a good thing is another matter, and here again, the historical record tends to support the negative assessment implicit in Psellos' and Choniates' remarks. No intellectual emperor left an untarnished reputation, and in most cases it was their attempts to impose their theological and philosophical beliefs that flawed their achievement and made their legacy controversial.

The significant exceptions to this generalisation are the two middle Byzantine emperors who avoided theological controversy while adopting an extremely high intellectual profile in other matters. Leo VI 'the Wise' (886–912) and his son, Constantine VII Porphyrogenitus (912–95) represent the high point of knowledge in authority at Constantinople, if one takes into account both the extent of their interests and the extent of their power and resources.

Leo VI was hailed as a *sophos* well before the middle of his reign, and long after his death he was the only Byzantine emperor who was remembered by this designation.[13] His reputation was based partly on his own literary activity, and partly on the projects that he commissioned.[14] He wrote hymns, anacreontic poetry,[15] and a large number of homilies;[16] he put his name to a military manual, the *Taktika*, and to a collection of advice on pastoral guidance, the *Hypotyposis*, addressed to the head of a monastic community. He oversaw a reform of the Justinianic corpus of Roman law, which reorganised all the material thematically into the 60 books of the *Basilica*, and he issued a series of 'new constitutions', *Novels*, on the Justinianic model.[17] He was probably the dedicatee of Theognostos' treatise on orthography.[18]

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11 For Justin I, see Procopius, *Anecdota*, VI. 11–16; Michael II: *Theophanes Continuatus*, ed. I Bekker (Bonn, 1838), 43.

12 P. Magdalino, *The Empire of Manuel I Komnenos, 1143–1180* (Cambridge, 1993), 194–5.

13 See the discussion by S. Tougher, *The Reign of Leo VI (886–912): Politics and People* (Leiden, 1997), chapter 5.

14 See ibid., 115–6, 166ff, and the bibliography cited in the following notes.

15 F. Ciccolella, 'Il carme anacreontico di Leone VI', *Bollettino dei Classici* 3rd series, 14 (1989), 17–37.

16 Those extant now edited by Theodora Antonopoulou, *Leonis VI Sapientis imperatoris Byzantini homiliae*, Corpus Christianorum Series Graeca 63 (Turnhout, 2008).

17 N. van der Wal and J.H.A. Lokin, *Historiae iuris graeco-romani delineatio: Les sources du droit byzantin de 300 à 1453* (Groningen, 1985), 86ff; S.N. Troianos, *Οι Νεαρές Λέοντος ς´ του Σοφού* (Athens, 2007).

18 Ed. K. Alpers, *Theognostos: Peri orthographias. Überlieferung, Quellen und Text der Kanones 1–84* (Hamburg, 1964); cf. T. Antonopoulou, 'The Date of Theognostos' *Orthography*: A Reappraisal', *BZ* 103 (2010), 1–12.

The *Book of the Prefect* and the *Epitome legum* were also produced on his initiative.[19] Book epigrams attest to his ownership of copies of Xenophon (*Anabasis* and *Cyropaideia)*,[20] Theodoret (*Remedy for Greek Diseases)*,[21] and Urbicius' *Tactica*.[22] But Leo's reputation for wisdom rested on more than this; it involved the idea that he had esoteric knowledge of hidden things and could predict the future. The idea, which already existed during his lifetime, took off after his death, and was in full flight by the time that Psellos wrote his *Historia Syntomos* c.1075.

> The emperor Leo was a lover of philosophy, not only in the normal and accepted sense [as developed by Plato and Arisotle], but also of the more esoteric kind, the inventor of which was Pythagoras in competition with Archytas. These two, by certain secret forces and occult incantations, moved the immovable, as they say, and foretold the future.[23]

Constantine VII did not go down in history with the epithet *sophos*, and Psellos had considerably less to say on the subject of his intellectual legacy:

> The emperor occupied himself also with literature. There exist letters from his hand, which demonstrate his education, and logically composed speeches, and treatises which lack the professional touch, even though there is not a single rhetorical trope that they fail to apply.[24]

Psellos' lukewarm assessment, which was echoed by Zonaras a century later,[25] approximates to the downsized portrait that Ihor Ševčenko drew in his classic rereading of Constantine Porphyrogenitus in the early 1990s.[26] At the time, Ševčenko's reappraisal was a salutary corrective to the overblown image of Constantine the great classical scholar, sophisticated *littérateur*, and exquisitely refined patron of the arts, which nineteenth- and twentieth-century Byzantinists had constructed from an uncritical reading of the flattering comments of the emperor's contemporaries. Yet in pointing out what Constantine was not, Ševčenko

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[19] J. Koder, *Das Eparchenbuch Leons des Weisen*, CFHB 33 (Vienna, 1991); P. and I. Zepos, *Jus Graecoromanum* (Athens, 1931; repr. Aalen, 1962), IV, 261–585; A. Schminck, *Studien zu mittelbyzantinischen Rechtsbüchern* (Frankfurt, 1986), 109–31.

[20] A. Markopoulos, '*Ἀποσημειώσεις στόν Λέοντα ΣΤ΄ τόν Σοφό*', *Θυμίαμα στη μνήμη της Λασκαρίνας Μπούρα* (Athens, 1994), 193–201.

[21] A. Markopoulos, "Επίγραμμα πρὸς τιμὴν τοῦ Λέοντος ΣΤ᾽τοῦ Σοφοῦ᾽, *Σύμμεικτα* 9 (1994) [= *Μνήμη Δ.Α. Ζακυθηνοῦ*], part 2, 33–40.

[22] A. Dain, 'Urbicius ou Mauricius?', *REB* 26 (1968), 123–36, at 125.

[23] Ed. and tr. W.J. Aerts, *Michaelis Pselli Historia syntomos*, CFHB 30 (Berlin and NewYork, 1990), 88–9 (my revision of Aerts' translation).

[24] Ibid., 94–5.

[25] Ed. Th. Büttner-Wobst, *Ioannis Zonarae epitome historiarum*, III (Bonn, 1897), 482–3.

[26] I. Ševčenko, 'Re-reading Constantine Porphyrogenitus', in J. Shepard and S. Franklin, eds, *Byzantine Diplomacy* (Aldershot, 1992), 167–95; reference to Zonaras (but not Psellos) on pp. 171–2.

has perhaps deflected attention from how unusual he was among Byzantine emperors in terms of his cultural input, if not output. Even assuming total mendacity and exaggeration in the literature linked to his name, its volume and variety are impressive. It says a lot about his self-image, if not about his accomplishments, and taken all together it points to something much more ambitious than the modest *oeuvre* mentioned by Psellos.[27]

Works that were published under Constantine's name include:

- *Legislation*: Novels regulating the acquisition of peasant and military landholdings by 'powerful' buyers, testamentary procedure, intestacy, runaway slaves, and the right of asylum.[28]
- *Orations*: Two speeches of exhortation addressed to the troops on the eastern front.[29]
- *Hagiography*:[30] Homilies on the translation of the relics of St John Chrysostom,[31] the chains of St Peter,[32] the Translation of the Image of Edessa,[33] and a panegyric on the translation of the relics of St Gregory of Nazianzos.[34]
- *Letters*: A few are preserved in the copy of his correspondence with Theodore of Kyzikos.[35]
- *History*: The Life of Basil I, forming Book V of the Continuation of

[27] For a general overview, see P. Lemerle, *Byzantine Humanism*, tr. H. Lindsay and A. Moffatt (Canberra, 1986), chapter 10, and Ševčenko, 'Re-reading Constantine Porphyrogenitus'.

[28] Zepos, *Jus*, I, 218–39; N. Svoronos, ed. P. Gounaridis, *Les Novelles des empereurs macédoniens concernant la terre et les stratiotes* (Athens, 1994), 93–126; on the asylum legislation, see R. Macrides, 'Justice under Manuel I Komnenos. Four Novels on Court Business and Murder', *Fontes Minores* 6 (1985), 99–204 at 190ff

[29] Ed. R. Vári, 'Zum historischen Exzerptenwerke des Konstantinos Porphyrogennetos', *BZ* 17 (1908), 75–85, and H. Ahrweiler, 'Un discours inédit de Constantin VII Porphyrogénète', *Travaux et μeemoires* 2 (1967), 393–404. See also the useful translation and commentary by E. McGeer, 'Two Military Orations of Constantine VII', in J.W. Nesbitt, ed., *Byzantine Authors: Literary Activities and Preoccupations* (Leiden, 2003), 111–35.

[30] See B. Flusin, 'L'empereur hagiographe. Remarques sur le rôle des premiers empereurs macédoniens dans le culte des saints', in P. Guran, ed., *L'empereur hagiographe: Culte des saints et monarchie Byzantine et post-byzantine* (Bucharest, 2001), 48–54.

[31] Ed. K.I. Dyobouniotes, ' Κωνσταντίνου Πορφυρογεννήτου λόγος ἀνέκδοτος εἰς τὴν ἀνακομιδὴν τοῦ λειψάνου Ἰωάννου τοῦ Χρυσοστόμου', *Ἐπιστημονικὴ Ἐπετηρὶς τῆς Θεολογικῆς Σχολῆς τοῦ Πανεπιστημίου Ἀθηνῶν* 1 (1926), 303–19.

[32] Ed. E. Batareikh, *Chrysostomika* (Rome, 1908), 978–1005; attributed to Constantine by Flusin, 'L'empereur hagiographe', 50,

[33] Ed. E. von Dobschütz, *Christusbilder* (Leipzig, 1899), 39**–85**; new edn and tr. by M. Guscin, *The Image of Edessa* (Leiden, 2009), 8–69.

[34] Ed. B. Flusin, 'Constantin Porphyrogénète. Discours sur la translation des reliques de saint Grégoire de Nazianze (*BHG* 728)', *REB* 57 (1999), 5–97.

[35] Ed. J. Darrouzès, *Epistoliers byzantins du Xe siècle* (Paris, 1960), 317–32.

Theophanes now represented by Vat, gr. 167:[36] to be discussed below.
- *Treatises*: The treatises on government known to scholarship under their Latin titles: *De administrando imperio*,[37] *De thematibus*,[38] *De cerimoniis*,[39] and the treatise on imperial expeditions appended to Book 1 of the last work.[40]

Works that were explicitly dedicated to Constantine and/or commissioned by him. Most of them contain passages praising the emperor for his cultural interests and intellectual concerns:

- The theological poem of Leo Choirosphaktes.[41]
- The Commentary on Gregory of Nazianzos by Basil the Less.[42]
- Constantine the Rhodian's poem on the *Wonders of Constantinople* and his *Ekphrasis* of the church of the Holy Apostles.[43]
- *Hagiography*: The Menologion of Evaristos, later incorporated into the Synaxarion of the Great Church;[44] Theodore Daphnopates' oration on the translation of the arm of St John Prodromos;[45] the Homily on the translation of the Mandylion by Gregory Referendarios.[46]
- *Historiography*: The history of Genesios, and the first part of *Theophanes Continuatus*, both narrating the series of imperial reigns from the accession of Leo V, where Theophanes had left off, to the murder of Michael III in

36 *Theophanes Continuatus*, ed. Bekker, 211–353; ed. and tr. I. Ševčenko, *Theophanis Continuati Liber V: Vita Basilii imperatoris*, CFHB 42 (Berlon-New York, 2011).

37 Ed. Gy. Moravscik, tr. R.J.H. Jenkins, *Constantine Porphyrogenitus, De administrando imperio* CFHB 1 (Washington, DC, 1967).

38 Ed. A. Pertusi, *Costantino Porfirogenito De Thematibus,* Studi e testi 160 (Rome, 1952).

39 Constantine Porphyrogenitus, *De cerimoniis aulae byzantinae*, ed. J.J. Reiske, 2 vols (Bonn, 1829); Book I ed. and tr. A. Vogt, *Le livre des cérémonies*, 2 vols (2nd edn, Paris, 1967)

40 Ed. J. Haldon, *Constantine Porphyrogenitus, Three Treatises on Imperial Military Expeditions*, CFHB 28 (Vienna, 1990)

41 Ed. I. Vassis, *Leon Magistros Choirosphaktes, Chiliostichos Theologia*, Supplementa Byzantina 6 (Berlin and New York, 2002).

42 Partial edition and introduction by T.S. Schmidt, *Basilii Minimi in Gregorii Nazianzeni orationem XXXVIII commentarii*, Corpus Cjhristianorum Series Graeca 46 (Turnhout, 2001).

43 Ed. E. Legrand, 'Description des oeuvres d'art et de l'église des Saints-Apôtres de Constantinople', *Revue des Études Grecques* 9 (1896), 232–63.

44 B. Flusin, 'L'empereur hagiographe', 41–7.

45 Ed. V.V. Latyshev, *Pravoslavnyj Palestinskij Sbornik* 59 (Petrograd, 1910), 15–38.

46 Ed. and tr. A. Dubarle, L'homélie de Grégoire le Référendaire pour la reception de l'image d'Édesse', *REB* 55 (1997), –51; ed. with English tr. Gusin, *The Image of Edessa*, 70–87.

867. Genesios continues the story to include the reign of Basil I.[47]

- *Scientific treatises*: The *Geoponica*,[48] the medical treatise of Theophanes Chrysobalantes,[49] probably also the *Hippiatrica*.[50]
- The *Excerpta historica*, or historical encyclopaedia (to be discussed).[51]

We should also note that Constantine is credited, in the account of his reign that was added to *Theophanes Continuatus*, with having established a school for the education of civil servants and higher clergy.

> Knowledge and the intellectual arts and sciences had been neglected and overlooked, so what did his most philosophical mind devise? Since he knew that both practice and theory endear us to God, with practice being appropriate to political affairs, and theory to intellectual matters, he helped them both, arranging for training in practical business through the art of rhetoric, and for theory to be taught through philosophy and natural science. He appointed the best teachers [in philosophy, rhetoric, geometry and astronomy].[52]

To conclude, Constantine VII developed an intellectual profile comparable to that of Leo VI, although it was less religious in character and he did not achieve the same distinction and permanent recognition as a *sophos*.

Leo VI and Constantine VII have both been well studied as intellectual figures. More has been written on Constantine, though most of it has involved the unhelpful construction and deconstruction of the emperor as the lead figure in a classical 'renaissance',[53] while Leo has been better served in a recent political analysis of his reign, which, among other things, does seriously engage with

[47] *Theophanes Continuatus*, ed. Bekker, 3–211. Genesios: ed. A. Lesmüller-Werner, H. Thurn, *Iosephi Genesii Regum libri quattuor*, CFHB 14 (Berlin and New York, 1978); tr. A. Kaldellis, *Genesios, On the Reigns of the Emperors*, Byzantina Australiensia 11 (Canberra, 1998).

[48] See Lemerle, *Byzantine Humanism*, ; the work is used extensively by J. Lefort, 'The Rural Economy, Sevefth Centuries', in A. Laiou, ed., *The Economic History of Byzantium*, I, 231–310 (translation of the preface on p. 231).

[49] See Joseph A.M. Sonderkamp, *Theophanes Chrysobalantes*, ΠΟΙΚΙΛΑ ΒΥΖΑΝΤΙΝΑ 7 (Bonn, 1987).

[50] See A. McCabe, *A Byzantine Encyclopaedia of Horse Medicine: The Sources, Compilation and Transmission of the* Hippiatrica (Oxford, 2007).

[51] Ed. C. de Boor et al, *Excerpta Historica iussu imperatoris Constantini Porphyrogeniti confecta*, 4 vols (Berlin, 1903–1910).

[52] *Theophanes Continuatus*, 446. On this section (Book VI, 2B) of the work, see A. Markopoulos, 'Τὸ πορτραίτο τοῦ Κωνσταντίνου Ζ´ τοῦ Πορφυρογεννήτου στὸ 6ο βιβλίο τῆς *Συνεχείας* τοῦ Θεοφάνη', in G. Andreiomenos, ed., *Εὐκαρπίας Ἔπαινος: Ἀφιέωμα στὸν Καθηγητῆ Παναγιώτη Δ. Μαστροδημήτρη* (Athens, 2007), 511–20.

[53] For references to older literature and critique, see Ševčenko, 'Re-reading Constantine Porphyrogenitus'

the ideological significance of his reputation for wisdom.[54] But many questions remain unanswered, not least because the two emperors have not been looked at together as a unique phenomenon in the long history of Byzantium. Why did they happen when they did, and why did nothing quite like them happen again? Why was it so important for them to cultivate the intellectual aspect of imperial authority, as opposed to the others they could have chosen, notably leadership in war? What was the significance, for their political authority, of the intellectual projects they variously directed and sponsored? Was the image of this activity more important to them than the reality? What was the relationship between knowledge and authority that they sought to impose: the authority of knowledge, authority through knowledge, or authority over knowledge?

To start with the reality, it is significant that the first and largest projects undertaken by Leo VI were the reissuing of Roman Law (the *Basilika* and the *Novels*) and the revival of military theory (the *Tactica*), and that the main projects of Constantine VII (*DAI, De thematibus, De cerimoniis, Excerpta historica*, Treatise on imperial expeditions) all had to do with the functioning of the state.[55] In other words, the core concern of their intellectual activity was to review and reform the performance of imperial government. Thus their choice of priorities may be explained as a utilitarian response to the practical necessity of putting the imperial house in order for the purpose of reviving and restoring the Roman state. But programmes of order and renewal are never purely practical and utilitarian. The very concepts, which were much articulated in the imperial projects of Leo VI and Constantine VII, carry a high ideological charge.[56] In a theocracy such as Byzantium, they connote the imperative of restoring human society to a state of grace, of rendering the ruler and his people acceptable to God and worthy of divine favour. In the particular case of Byzantium, the restoration of good order was identified with the return to religious orthodoxy after the deviant disorders of iconoclasm, which in post-iconoclast propaganda had become associated not only with the military disasters of the 'Dark Ages', but also with the neglect of education and the wilful destruction of intellectual life by the iconoclast emperors.[57] For Leo

[54] Tougher, *The Reign of Leo VI*.

[55] P. Pieler, '*Η συμβολή τοῦ Κωνσταντίνου Πορφυρογεννήτου στή νομική φιλολογία*', in A. Markopoulos, ed., *Constantine VII Porphyrogenitus and his Age* (Athens, 1989), 79–86.

[56] P. Pieler, 'Ἀνακάθαρσις τῶν παλαιῶν νόμων und makedonische Renaissance', *Subseciva Groningana* 3 (1989), 61–77; P. Magdalino, 'The Non-Juridical Legislation of Leo VI', in S. Troianos, ed., *Acta Atheniensia ad Ius Byzantinum Spectantia* (Athens-Komotini, 1997), 169–82; idem, "The Distance of the Past in Early Medieval Byzantium (VII–X Centuries)', *Ideologie e pratiche del reimpiego nell'alto medioevo* [= *Settimane di studio del Centro Italiano di studi sull'alto medioevo*, 46 (1999)], 115–46.

[57] The decline of education was first noted by Nikephoros with reference to the political upheavals around the turn of the eighth century: ed. and tr. C. Mango, *Nikephoros, Patriarch of Constantinople*, *Short History*, CFHB 13 (Washington, D.C, 1990), 120–1. It was then progressively blamed on the emperor Leo III, first by Theophanes (*Chronographia*,

VI and Constantine VII, the theme of restoration also served to legitimate their dynastic regime by deliberate propagation of the view that imperial renewal had properly begun with the change of dynasty that brought their ancestor, Basil I 'the Macedonian', to power in 867; the new start had come not with the ending of iconoclasm under Michael III, but with the removal of this blasphemous, irresponsible degenerate to make way for the robust and god-fearing Basil.[58] Constantine VII had a further reason for wanting to demonstrate that the return to the excellence of the pre-iconoclastic empire was the special responsibility of the Macedonian dynasty. This was the fact that he himself was sidelined for 24 years by another usurper, Romanos I Lekapenos, who with his sons threatened to displace the 'Macedonian' line, just as Basil had displaced the Amorians. Constantine's intellectual projects, which he promoted after the deposition of Romanos in 944, underlined his care for the ancient institutions and traditions of the state that were his birthright, and which the ignorant interloper had neglected.[59]

The review and reform programme of the Macedonian emperors – the 'Macedonian Renaissance' – would probably have happened regardless of dynastic change, given that important elements of it, notably the re-codification of the law and the promotion of education, can be traced back to the Caesar Bardas, uncle and regent of Michael III, and to the patriarch Photios whose career spanned the transition from the Amorian to the Macedonian dynasty.[60] However, it was clearly the political and dynastic circumstances of Leo VI and Constantine VII that caused Leo to clothe his intellectual activity in an aura of extraordinary *sophia* and Constantine to cultivate a similar if lower-profile image. To a large extent, Leo's role was set up for him by Basil I. Himself an upstart of peasant provincial origin, who owed his meteoric social rise to his skills in wrestling and horse taming, and perhaps in appealing to the baser instincts of Michael III, Basil made up for his own lack of education by ensuring that his sons had nothing but the best, under the tuition of Photios himself.[61] It is not clear whether all four sons – Constantine,

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ed. C. de Boor [Leipzig, 1883; repr. Hildesheim, 1981], I, 405, and then by George the Monk, who has Leo torch the 'palace' of the *oikoumenikos didaskalos*, burning the twelve teachers alive with all their books. 'From that time knowledge of the sciences became scarce in the Roman Empire, diminished as it was by the mindlessness of philistine rulers, until the days of Michael and Theodora the pious and faithful emperors': ed. C. de Boor, *Georgii Monachi Chronicon* (Leipzig, 1904; repr. 1978), 742.

[58] In the *Life of Basil*, Constantine says that under his grandfather, 'life seemed to return to its ancient order and dignity (καὶ ἐδόκει αὖθις ὁ βίος ἐπὶ τῆς ἀρχαίας εὐταξίας καὶ καταστάσεως)': *Theophanes Continuatus*, 315.

[59] Romanos' disregard for ancient tradition: *De administrando imperio*, ed. Moravcsik, tr. Jenkins, 72–7; *De cerimoniis*, ed. Reiske, I, 606.

[60] *Theophanes Continuatus*, 184–93; M.Th. Fögen, 'Reanimation of Roman law in the ninth century: remarks on reasons and results', in L. Brubaker, ed., *Byzantium in the Ninth Century: Dead or Alive?* (Aldershot, 1998), 11–22.

[61] *Theophanes Continuatus*, 276–7; and see ibid., 314, for Basil's efforts to improve himself by *listening* to edifying literature.

Leo, Alexander and Stephen – were educated to the same level, or if, as is likely, Leo received special treatment, whether this was before or after the death of his elder brother, Constantine, that placed him first in line for the succession. However, when the succession did pass to Leo in 880, Basil put education (παίδευσις) and reading the Scriptures (ἀνάγνωσις γραφῶν) first and last on the list of royal qualities that he recommended to his son in a *Fürstenspiegel* penned probably by Photios.[62] He highlighted wisdom, especially divine wisdom, even more strongly in the words of advice that he addressed to Leo in the last month of his life.

As Shaun Tougher and Athanasios Markopoulos have both pointed out,[63] in this exhortation to divine wisdom, Basil I was effectively urging Leo to play Solomon to his own role of David that had been scripted for him, by Photios among others.[64] David was a favourite role model for Christian rulers, not least because of his status as the ancestor of the Virgin Mary and Jesus, but the parallels in Basil's career were particularly close, close enough for the comparison to justify his violent accession as divinely providential. If Basil, as a Christian David, could be shown not only to have succeeded a wicked Saul figure in the person of Michael III, but to have been succeeded by a Solomonic son, the typology was complete. All the indications are that Leo threw himself with conviction into the role of Solomon, which indeed makes sense of his unique combination of attributes: his lawgiving, his preaching and his reputation for occult knowledge. All that was missing was the Temple, but this had already been built by Basil, in the shape of the magnificent Nea Ekklesia.[65] Leo's Solomonic wisdom justified and secured his position as the second ruler in a new Davidic dynasty, a position that was challenged not only by potential usurpers in his entourage, including his brother and co-emperor Alexander,[66] but also by the powerful rivalry of the newly Christianised Bulgarian kingdom, whose ruler, Symeon, also had a reputation for wisdom.[67] The role of Solomon, moreover, allowed Leo to reclaim an authority in religious affairs, and an ascendancy of the kingship over the priesthood, that emperors had lost since the end of iconoclasm,

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62 *PG* 107, xxi-lvi, at xxi

63 Tougher, *The Reign of Leo VI*, 127–8; A. Markopoulos, 'Autour des *Chapitres parénétiques* de Basile I[er]', in *ΕΥΨΥΧΙΑ: Mélanges offerts à Hélène Ahrweiler*, Byzantina Sorbonensia 16 (Paris, 1998), 469–79.

64 G. Dagron, *Emperor and Priest The Imperial Office in Byzantium* (Cambridge, 2003), 199–200; L. Brubaker, *Vision and Meaning in Ninth-Century Byzantium: Image as Exegesis in the Homilies of Gregory of Nazianzos* (Cambridge, 1999), 185ff.

65 See P. Magdalino, 'Observations on the Nea Ekklesia of Basil I', *JÖB* 37 (1987), 51–64; repr. in *Studies on the History and Topography of Byzantine Constantinople* (Aldershot, 2007), no. V.

66 Tougher, *The Reign of Leo VI*, chapter 9.

67 See J. Shepard, 'The ruler as instructor, pastor and wise: Leo VI of Byzantium and Symeon of Bulgaria', in T. Reuter, ed., *Alfred the Great: Papers from the Eleventh-Centenary Conferences* (Aldershot, 2003), 339–58.

largely through the forceful influence of Photios. One of Leo's first acts as emperor was to bring about the deposition of his former tutor from the patriarchate.[68]

Unfortunately, Leo did not manage to avoid the shadier side of Solomon's image, as a multiple womaniser who offended God (I Kings 11),[69] because his antipathy to his first wife, Theophano, and then his strenuous efforts to father a son, led to Tetragamy, conflict with the Church, and a reputation for the tenth-century equivalent of gross moral turpitude.[70] Constantine VII, the fruit of Leo's contentious fourth marriage, thus inherited a chequered paternal legacy, in addition to being only seven years old when his father died. In general terms, it is clear that he venerated his father's memory[71] and followed in his father's intellectual and ideological footsteps, without acquiring the same reputation for extraordinary *sophia*. Was this because he did not seek it, prudently avoiding an image of authority that had caused scandal and schism in the Church? It is perhaps indicative that he never got around to writing an encomiastic biography of his father, and that the 'official' history of Leo's reign in Book VI of *Theophanes Continuatus* had to be adapted, apparently, from the lukewarm if not anti-Macedonian chronicle of Symeon the Logothete.[72] Or, on the other hand, did Constantine lack the confidence and perhaps the education to project himself quite so seriously?

His education may have been deficient compared with Leo's; he was not tutored by Photios, and he had no one looking out for him after his father's death.[73] Lack of confidence, however, does not seem to have been his problem. If we look at his projects in terms of knowledge and authority, we can see that his attitude to knowledge was as authoritarian as it was possible to get. This is nowhere more apparent than in those projects that were in one way or another historiographical. In directing the excerpting, compilation and composition of historical narratives, Constantine VII forcefully attempted to impose his imperial authority on the knowledge of the past, and to make that knowledge authoritative.

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68 On Photios and the 'kingship of the patriarchs', see Dagron *Emperor and Priest*, 223–35.

69 Byzantine chroniclers noted that the womanising undid the effects of the wisdom: for example, George the Monk, ed. de Boor, 202, 204–5.

70 Tougher, *The Reign of Leo VI*, chapter 6.

71 This is clear both from the mentions of Leo throughout the *De administrando imperio, De thematibus* (see especially I. 9 and 12) and *De cerimoniis*, and from the way in which writers addressing Constantine refer to his father, emphasising their own previous association with him: see for example, Darrouzès, *Épistoliers*, 326; Constantine the Rhodian, ed. Miller, 'Description', 37, 44, 48; see also *Theophanes Continuatus*, 460: 'Constantine rejoiced in his father's works as if they were his own'.

72 *Theophanes Continuatus*, 353–77; cf. *Symeonis Magistri et Logothetae Chronicon*, ed. S. Wahlgren, CFHB 44 (Berlin and New York, 2006).

73 He implicitly blames his lack of literary sophistication (*ἀμουσία*) and other misfortunes on the deprivation he suffered at the hands of Romanos I: Darrouzès, *Épistoliers*, 318.

Historiography was noticeably absent from the projects of Leo VI, though they clearly involved awareness of and research into the remote as well as the recent past.[74] Indeed, it is remarkable that the only major histories known to have been written in the century before 945 were the chronicle of George the Monk[75] and the now lost *Ecclesiastical History* of Niketas David the Paphlagonian[76] – both works produced outside the ambit of the court, and with a studied indifference if not hostility to imperial authority. The historiographical projects instigated by Constantine VII thus marked a conscious revival of interest in a genre of learning that had been neglected at court for a very long time.[77] As we have seen, they comprised, on the one hand, the historical encyclopaedia or *Excerpta historica*, and, on the other hand, three historical narratives covering the period from 813 to 886. After the re-codification of Roman Law, the *Excerpta historica* was probably the most ambitious and certainly the most laborious intellectual enterprise of the Macedonian emperors.[78] From the little that remains we know that it consisted of passages from the works of around 30 historians cut and pasted into 53 books with thematic headings. We possess only the book 'On embassies', preserved in its entirety, and parts of the books 'On virtues and vices', 'On conspiracies against rulers', and 'On opinions'. A further 20 books can be identified from cross references and from mentions in other sources. The preface to each section was identical, as we can tell from the two surviving examples, and in it the anonymous author, probably the head of the team of excerptors, explains the purpose of the exercise: this is to render intelligible and accessible the immense mass of historical data and historical writings, which deters men from reading them and drawing the necessary lessons. Thus Constantine – 'the most orthodox and Christian ruler of all time' – has proceeded to collect books of history 'from all over the world', and make a choice (*ekloge*) of material to summarise, or rather to appropriate, under the 53 themes (*hypotheseis*).

The *Excerpta* has been valued by modern scholarship mainly for the information it preserves about otherwise unknown texts and their authors. As a work of history,

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[74] Magdalino, 'The Distance of the Past'.

[75] Ed. de Boor; cf. A. Karpozilos, *Βυζαντινοὶ ἱστορικοὶ καὶ χρονογράφοι Β΄ (8ος–10ος αἰ.)* (Athens, 2002), 213–49.

[76] C. de Boor, 'Zur kirchenhistorischen Literatur', *BZ* 5 (1896), 16–17; S.A. Paschalides, 'From Hagiography to Historiography: the Case of the *Vita Ignatii* (*BHG* 817) by Nicetas David the Paphlagonian', in P. Odorico and P.A. Agapitos, eds, *Les Vies des saints à Byzance: Genre littéraire ou biographie historique?*, Dossier byzantins 4 (Paris, 2004), 161–73.

[77] The literature on middle Byzantine historiography is vast and growing. For useful recent discussions of the tenth-century works that concern us here, see Karpozilos, *Βυζαντινοὶ ἱστορικοὶ καὶ χρονογράφοι,* 281ff; J. Signes-Codoner, *El periodo del Segundo iconoclasmo en Theophanes Continuatus: Analisis y comentario de los tres primeros libros de la Cronica* (Amsterdam, 1995); A. Markopoulos, 'Byzantine History Writing at the End of the First Millennium', in P. Magdalino, ed., *Byzantium in the Year 1000* (Leiden, 2003), 183–97.

[78] For a summary description, see Lemerle, *Byzantine Humanism*, 323–32.

it has not been rated very highly; indeed, Paul Lemerle dismissed it as an 'anti-histoire', which with its scissors and paste effectively de-historicises history for the sake of moral edification.[79] Bernard Flusin has qualified the harshness of this judgement, commenting that the rationale expressed in the preface evinces 'a certain conception of history', and that the cutting and pasting according to theme corresponded to the way that Byzantines read and wrote history as literature; he sees evidence in works like *Theophanes Continuatus* and the history of John Skylitzes for the relevance and viability of Constantine's thematic categories.[80] Positive reappraisal of the *Excerpta* has now been taken much further in the systematic study by András Németh.[81] Whatever its historical value, the collection is interesting for what it reveals about the imperial appropriation of historiography as an ideological tool. We should note that Constantine is highlighted as the brains behind the operation, who in his capacity as 'most Christian and Orthodox ruler' chooses the material and determines the categories to which it is to be adapted by 'synopsis or rather appropriation', and thereby transformed. Transformed into what? Most obviously, into a florilegium. Florilegia, collections of excerpts from authoritative texts, had flourished in recent centuries, especially in the theological debates over the natures of Christ and the veneration of icons, in which both sides had marshalled stockpiles of quotations from the Church Fathers and the acts of Church councils.[82] Constantine's florilegium of historical texts (all from Christian authors) thus fell into the long tradition of defining orthodoxy, and may be seen as an ethical and political addendum to the Triumph of Orthodoxy in 843. But it also followed the process of legal codification begun by Photios and Leo VI. Structurally, the closest parallel to Constantine's 53 books of textual snippets grouped according to theme is to be found in the 60 books of the *Basilika*, where the whole of Roman law is reclassified thematically.[83] Just as Leo VI, following the Justinianic precedent, had appropriated the law and reissued it as his own act

[79] Ibid., 331: 'a compliation which cuts and breaks up the sources and gets them out of orderand scatters the pieces in such a way as to destroy the sequence and the meaning is anti-historical.

[80] B. Flusin, 'Logique d'une anti-histoire: les *Excerpta* constantiniens', in S. Pittia, ed., *Fragments d'historiens grecs: Autour de Denys d'Halicarnasse*, Collection de l'Ecole française de Rome 298 (Rome, 2002), 537–59.

[81] Doctoral thesis at the CEU, Budapest, currently being revised for publication Meanwhile, see A. Németh, 'The imperial systematisation of the past in Constantinople: Constantine VII and his *Historical Excerpts*', in J. König and G. Woolf, eds, *Encyclopaedism from Antiquity to the Renaissance* (Cambridge, 2013).

[82] The most useful and authoritative survey is still M. Richard, 'Florilèges grecs', in *Dictionnaire de spiritualité*, V (Paris, 1964), 475–512; see also A. Louth, *St John Damascene* (Oxford, 2002), 35–6.

[83] Ed. H.J. Scheltema et Nicolaas van der Wal, Basilicorum libri LX (Groningen, 1955–1888).

of legislation, so Constantine reissued the useful lessons of history under his own authority.

The parallel with legislation may be taken further if we regard the rest of Constantine's historiographical oeuvre, the new historical compositions for which he was responsible, as the literary equivalent of Novels, or new laws. The comparison is not far-fetched when we consider the degree to which Constantine insisted on stamping the narrative of Christian imperial history with his own seal of authorship and authority. In the preface to the Life of Basil I, of which he claims to be the author, he states that this work was all he had managed to achieve of a grand design to write the entire history of the Byzantine Empire from the beginning:

> It was long my purpose and intention to implant experience and knowledge of public affairs in the minds of the studious through the unforgettable and immortal mouth of history. I planned, as far as I was able, to recount the more memorable deeds of each one of the emperors, officials, generals and their subordinates during the entire period of Roman rule in Constantinople. But since the undertaking required much time, continual effort, abundance of books and freedom from the affairs of state, and we had none of this, of necessity I took a more modest course. This was to narrate the deeds and the whole lifestyle, from birth to death, of one emperor who raised imperial power to a great height; he bore the royal name of Basil, and he was of great benefit to the affairs of the Roman state. In this way, later generations will not remain in ignorance of the first source and root of an imperial line which has extended over a great length of time, and his descendants will have their very own home-grown rule and statue and archetype for imitation. If more time is allotted to our life, and there is some respite from our illnesses, and external circumstances do not stand in the way, maybe we shall add the whole subsequent account of history down to our own generation.[84]

On the face of it, Constantine's statements sound preposterous – did he seriously contemplate writing a complete, detailed narrative of 500 years of history, and did he seriously expect his readers to accept his own grandfather's biography as the next best thing? However, we should recognise that by setting this biography in the context of a plan to write a general history of Byzantium, he is making significant claims for the authority of his own knowledge. In the first place, he lays claim to authority over the historical memory of the imperial past, and secondly he claims the authority of history for a blatant piece of dynastic propaganda, which brazenly flouts the rules of historical objectivity and impartiality, and seems to draw on every literary genre other than historiography.[85] Moreover, an examination of *Theophanes*

[84] *Theophanes Continuatus*, 211–12.

[85] On the genre and the literary models of the *Vita Basilii*, see P.J. Alexander, 'Secular Biography at Byzantium', *Speculum* 15 (140), 194–209; R.J.H. Jenkins, 'The Classical Background of the *Scriptores post Theophanem*', *DOP* 8 (1954), 13–30; P.A. Agapitos, ''Η εἰκόνα τοῦ αὐτοκράτορα Βασιλείου Α΄ στὴ φιλομακεδονικὴ γραμματεία 867–959', *Ἑλληνικά* 40 (1989), 285–322, esp. 306–17; A. Markopoulos, 'Kaiser Basileios I. und Hippolytos: Sage

Continuatus and Genesios reveals that, while Constantine's general history of Byzantium never got beyond the stage of wishful thinking, he was nevertheless concerned to produce an 'authorised version' of imperial history from Constantine the Great to Basil I. Close comparison of the two largely parallel accounts of the period 813–867, with particular attention to their prefaces,[86] leads to the following reconstruction:[87]

1. Having given up the idea of writing a general history, Constantine adopted the chronicle of Theophanes as a serviceable record of the period from Constantine the Great to Michael I (305–813), and set about collecting material for a history of the following reigns, possibly reserving the reign of Basil I for separate treatment.
2. He edited this material together in a dossier of sequential but unconnected excerpts and abridgments resembling his historical encyclopedia, except that the texts were more diverse and probably included saints' lives in addition to short secular narratives.
3. He commissioned Genesios to 'write up' the dossier into a history of the period 813–867 in four 'books of kings', one per reign, which in title and number echoed the history of the kingdoms of Israel and Judaea in the Septuagint. Genesios probably exceeded his brief by covering the reign of Basil I along with that of Michael III in Book 4, although he clearly had access to much biographical material for Basil.
4. Dissatisfied with Genesios' effort, Constantine turned the dossier over to an anonymous author, with instructions to produce another narrative of the period 813–867 under closer supervision by the emperor, leaving the reign of Basil I for separate treatment by Constantine himself. The result was Books I–IV of *Theophanes Continuatus*, more or less as we have them today in Vat.gr. 167.

It is above all the existence of two parallel histories commissioned by Constantine VII that allows us to perceive his proactive role in authorising the historiography

und Geschichte', in I. Vassis, G.H. Henrich, D.R. Reinsch, eds, *Lesarten: Festschrift für Athanasios Kambylis zum 70. Geburtstag* (Berlin and New York, 1998), 81–91; idem, 'Κύρου Παιδεία και Βίος Βασιλείου: ένας πιθανός συσχετισμός', *Σύμμεικτα* 15 (2002), 91–108; L. Van Hoof, 'Among Christian Emperors. The *Vita Basilii* by Constantine VII Porphyrogenitus', *The Journal of Eastern Christian Studies* 54 (2002), 163–81.

[86] Genesios, ed. Lesmüller-Werner and Thurn, 3; new critical edition and translation of the preface to *Theophanes Continuatus* by I. Ševčenko, 'The Title of and Preface to *Theophanes Continuatus*', *Bollettino della Badia Greca di Grottaferrata*, n.s. 52 (1998), 77–93 (text and translation 79–86).

[87] It largely follows the conclusions reached by Signes-Codoner, Karpozilos, and Ševčenko, op. cit. For a further interpretation, see now Cyril mango's preface to the *Vita Basilii*, ed. Ševčenko.

of the period before 867. Together, they are unique as being the only pieces of Byzantine history writing that were explicitly made to order for the reigning emperor. Moreover, the fact that the emperor commissioned more than one narrative of the same events shows that he had high and precise expectations. Comparison of the two leaves no doubt that it was Genesios who wrote first and was found wanting, in both style and substance. Constantine VII was evidently not pleased by his dense, obscure and gratuitously erudite style, which often failed to make narrative sense of his sources. As regards content, Genesios paid too much attention to the exploits of his own ancestor Constantine, he was too soft on the emperors who preceded Basil I, and he did not say enough, or say the right things, about Basil himself. *Theophanes Continuatus* remedied all these deficiencies, in addition to using extra sources and recording events, such as the Arab occupation of Sicily, that Genesios had omitted completely. His title and preface also indicate that he was more adept at praising his patron, and making the acknowledgements that Constantine VII was expecting to hear. Thus he fulsomely acknowledges Constantine's role in collecting and editing his source material (*hypotheseis*), describing himself merely as the 'helping hand'. He also specifies that he is continuing the narrative of the chronicle of Theophanes, of whom, he adds, Constantine happens to be the grandson.[88]

This adoption of St Theophanes the Confessor as the ancestor of Constantine VII on his mother's side – a genealogy endorsed by two other sources, including Constantine himself[89] – has not received the attention it deserves.[90] Whatever the truth of it, its implications are significant. It not only added legitimacy to Leo VI's fourth marriage, and the lustre of iconodule orthodoxy to Constantine VII's already fabulous pedigree (we may recall that on his father's side he was already descended, according to his own account in the *Vita Basilii*, from Tiridates, Constantine and Alexander the Great[91]); it also allowed Constantine to take dynastic possession of the *Chronicle* of Theophanes, which he had clearly decided to canonise as the official, default history of the period from Constantine I to Michael I – no doubt because of the impeccable orthodoxy of its author and its contents. Thus, when we return to the preface of the *Vita Basilii* with the preface of *Theophanes Continuatus* in mind, it becomes clear that his idea of producing a grand history of Byzantium was not just a passing fancy, or rhetorical window dressing

[88] See Ševčenko, 'The Title', 89–93.

[89] Ed. Moravcsik, tr. Jenkins, *De administrando imperio*, 98–9. The other source is a hagiographical laudation of Theophanes by Theodore Protasekretis, *Ein Dithyrambus auf den Chronisten Theophanes*, *Königliche bayerische Akademie der Wissenschaften zu München, Sitzungsberichte der philos.-philol. und der hist. Classe*, 1896, Heft 4.

[90] Apart from Ševčenko, op.cit., the only discussion I know is P. Yannopoulos, 'Constantin Porphyrogénète et Théophane le Confesseur', *Byzantion* 75 (2005), 362–72.

[91] *Theophanes Continuatus*, 213–16; cf. A.Markopoulos, 'Constantine the Great in Macedonian historiography: models and approaches', in P. Magdalino, ed., *New Constantines. The Rhythm of Imperial Renewal in Byzantium, 4th–13th Centuries* (Aldershot, 1994), 161ff.

for his dynastic propaganda, but a serious intention to represent his dynasty as the culmination of Byzantine imperial history. It was a plan that he did not abandon completely, but modified by bringing the whole of imperial historiography within the family: authorising the chronicle of his ancestor Theophanes as the canonical history of the period to 813, supervising the sequel as far as 867, and authoring the crowning piece, the *Vita Basilii*. It was still a large structure, even if most of it was reused, and only the top floor was newly built.

If this interpretation of Constantine's historiographical edifice is correct, two questions arise: first, why was it not constructed before his reign, and second, why was such massive underpinning needed for a relatively modest piece of biographical whitewash? I believe the answer to both questions may lie in the non-imperial history writing of the period, and specifically in two works, the lost *Ecclesiastical History* of Niketas David[92] and the *Chronicle* of Symeon Logothete and Magister. Both of these works were universal histories, yet both ended with accounts of recent history that expressed strongly partisan views: the former against Photios, the latter against the Macedonian dynasty and in favour of Romanos Lekapenos. Constantine VII and his circle are likely to have known the history of Niketas David, from which both Genesios and *Theophanes Continuatus* drew their information on Photios and Ignatios directly or indirectly. It is not so clear whether they could have read the Logothete Chronicle, which may not have been completed until after Constantine's death in 959.[93] Even so, it is unlikely that the court was entirely unaware of the fact that Symeon, a high-ranking ex-minister, was engaged in writing a universal history in which he was planning to tell some of the alternative stories that were circulating about the origins of the Macedonian dynasty – how Basil was physically implicated in the murders of Bardas and Michael III,[94] how Leo VI was not Basil's son but Michael's,[95] how Photios had refused Basil communion, calling him a thief and a murderer, and this was why Basil had had Photios removed.[96] The circulation of such stories may account for some of the strange omissions and assertions in Genesios' narrative of Basil's reign, and the subsequent publication, or pre-publication, of Symeon's chronicle may help to explain why Constantine VII was moved to replace Genesios' inept piece of whitewash with a much more thorough rehabilitation. The following table presents certain major divergences between the three narratives that reveal how the *Vita Basilli* was written both to complete the inadequate account of Genesios and to 'correct' the embarrassing statements of the Logothete Chronicle.

[92] See above n. 76.

[93] Wahlgren, 5*–8*.

[94] Ed. Wahlgren, 251, 256–8.

[95] Ibid., 255.

[96] Ibid., 262.

Genesios, ed. Lesmüller-Werner and Thurn	**Logothete Chronicle, ed. Wahlgren**	***Life of Basil*, in *Theophanes Continuatus*, ed. Bekker**
No mention of change of patriarch under Basil I.	Photios refuses Basil communion, calling him thief and murderer; Basil has Photios removed and reinstates St Ignatios (262).	Basil calls a synod to settle church affairs, which are in disarray after Michael III's misrule. He restores the rightful patriarch (Ignatios) and orders his replacement (Photios) to step down while Ignatios lives (262).
On becoming sole emperor after the murder of Michael III, Basil builds a church to the Archangels. Here he 'receives the imperial crown from an archpriest's hands', and crowns three of his sons co-emperors (80). Adrian, commander of the fleet sent to the relief of Syracuse, is held up in the Peloponnese for 50 days by contrary winds. The city falls to the Arabs (82–3). [No previous mention of the Arab occupation of Sicily; long digression on the etymology of Italian place names.]	Basil buys up properties near the Palace and excavates the terrain to build the Nea Ekklesia. The naval crews being occupied in the construction work, the fleet experiences delay (*βραδύτης*) in sailing to the relief of Syracuse, which falls to the Arabs (264). In building the Nea, Basil melts down many bronze statues and strips many churches and houses of their mosaics, marbles and columns (265).	Basil assembles the fleet in Constantinople in readiness to repel an attack from Egypt and Syria, and puts the crews to work on the Nea to keep them usefully occupied. When the Arabs of Egypt and Syria, learning of Basil's preparations, call off the attack, the fleet is free to sail to the relief of Syracuse, but the city falls because the lazy (ῥαθυμότερος) naval commander, Adrian, allows himself to be detained by contrary winds instead of using his oarsmen to advance (308–12).
	At the death of Ignatios, Photios is reinstated as patriarch (265).	At the death of Ignatios, Basil reinstates Photios as patriarch, having already honoured him greatly for his learning (276–7).
	On 1 May 880, Photios inaugurates the Nea Ekklesia with great ceremony.	Description of the magnificent Nea Ekklesia, dedicated to Christ, the archangel Gabriel, the prophet Elijah, the Theotokos and St Nicholas (327–9).
		Basil magnificently rebuilds the church of the Archangel Michael at *ta Tzerou* (339).

It is obvious that the text of Genesios omits major information that was vital to any full or fulsome appreciation of Basil I's achievements. A degree of negligence cannot be ruled out, especially in the failure to mention the initial Arab invasion of Sicily and progressive occupation of the island prior to Basil's reign[97] – facts that mitigated Basil's own responsibility for the loss of Syracuse. But the other important facts that Genesios omits – the reinstatement of the patriarch Ignatios and Photios' second patriarchate, and the building of the splendid Nea Ekklesia – were potentially very embarrassing to Basil's reputation, as the Logothete's account of them makes plain. It was difficult to mention Ignatios' reinstatement without confronting the allegation, which may have been widely believed and even true, that Photios had been sacked because he had had the courage and integrity to denounce Basil's criminal usurpation. It was also difficult to ignore or deny the reports that Basil's greatest building project, the Nea Ekklesia, had caused the fall of Syracuse, and had involved the demolition and spoliation of many fine buildings. Genesios avoided the potential embarrassment of these facts by simply leaving them out and by mentioning, instead, Basil's construction of another fine church and coronation therein at the hands of an unnamed bishop.[98] Constantine VII, however, was clearly dissatisfied by this avoidance of the issues and the substitute information, and made sure that the *Life of Basil* included the sensitive facts while presenting them in the best possible light. Thus the changes of patriarch were presented as a restoration of canonical order in the church, and the Nea was celebrated as one, albeit the most magnificent, of Basil's numerous building works that are catalogued towards the end of the narrative; the catalogue also includes his church of the Archangels, though without any mention of a coronation.

On these points, it is not entirely clear whether the positive spin given in the *Life of Basil* was an answer to, or answered by, the negative reporting in the Logothete Chronicle. But in one particular, the connection between the

[97] Mentioned briefly by Symeon Logothete, ed. Wahlgren, 215, and more fully by *Theophanes Continuatus*, 81–4.

[98] Some modern commentators have assumed that the church is the Nea: A. Toynbee, *Copnstantine Porphyrogenitus and his World* (Oxford, 1973), 584–5; Kaldellis, *Genesios*, 100 n. 449. However, this cannot be correct, since the Nea was dedicated to Elijah, Christ, the Theotokos and St Nicholas as well as one or both of the Archangels Michael and Gabriel (Magdalino, 'Observations'). Genesios also gives the impression that the building of the church and the coronation took place soon after Basil's accession in 867, whereas work on the Nea did not start until ten years later, and it was not consecrated until 1 May 880, nine months after the death of his eldest son Constantine who according to Genesios was included in the coronation. As Dagron, *Emperor and Priest*, 198, has recognised, the church in question is rather to be identified with the church of the Archangels that Basil rebuilt in the Tzerou/Steirou quarter further to the north of the Palace: Janin, R. *La géographie ecclésiastique de l'Empire byzantin*, I, *Le siège de Constantinople et le patriarcat oecuménique*, 3: *Les églises et les monastères*, 2nd edn (Paris, 1969), 340, 345–6. The mention of the 'bishop' (ἀρχιερέως) who performed the coronation probably, though not necessarily, refers to the patriarch – who would in this case have been Ignatios.

construction of the Nea and the fall of Syracuse, the *Life of Basil* clearly provides extra information that qualifies to the point of refuting the bald statement of the Logothete: it explains that the naval crews were stationed in Constantinople, with time on their hands that was usefully employed in the construction work, for good defence reasons. It also, elaborating on the story told by Genesios, blames the fleet's failure to reach Syracuse and break the siege not on the 'delay' (βραδύτης) caused by the construction work, but on the 'laziness' (ῥαθυμία) of the commander who waited in Monemvasia for a favourable wind, instead of using his oarsmen to advance. Here, I would suggest, we have a piece of intertextual dialogue indicating that the Logothete Chronicle was composed before the *Life of Basil*, and therefore before the death of Constantine VII in 959.

At all events, Constantine wanted his knowledge of history to have the last word. But how good, or authoritative, was his knowledge, beyond the authority of his imperial word? How much of it was true? How much did he care if it was true? It is obvious that the work of history for which he cared most, the *Vita Basilii*, was literally too good to be true: a tissue of legends and ideal models in which the hard facts of Basil's biography were just one of the threads. The author shows his concern for historical accuracy when it suits him.[99] Thus he excuses the brevity of his account of Basil's eastern campaigns by saying that he will not invent military details for which he has no reliable witness. 'Since we cannot find time to commit to writing things that are commonly acknowledged facts, it would be idle to protract our account with doubtful material (ἀμφίβολα)'.[100] Later, he admits to having given the misleading impression that the Italian victories of Nikephoros Phokas the elder happened in rapid succession, because their exact chronology has not been recorded.[101] Yet he has no scruples in recounting as fact the details of Basil's illustrious Arsacid genealogy, although the principal 'authority' for this was a bogus prophecy concocted by Photios.[102] This is just one case of 'doubtful material' in the text. Accuracy of information and reliability of sources were clearly subordinated to delivery of the 'authorised' message.

But did Constantine VII and his team consciously invent facts, or go out of their way to include stories that they knew to be fictitious? The emperor's own attitude to the line between historical fact and fiction is illustrated in Chapter 13 of the *De Administrando Imperio*, where Constantine famously advises his son

[99] For the pretensions and shortcomings of the text as a self-conscious work of history, see Van Hoof, 'Among Christian Emperors', 170–3.

[100] *Theophanes Continuatus*, 279–80.

[101] Ibid., 313.

[102] Ibid., 212–5; cf. Leo VI, *Homily* 14, ed. Antonopoulou, *Leonis sapientis Homiliae*, 199–200. For Photios' pseudo-prophecy, see Niketas David the Paphlagonian, *Life of the Patriarch Ignatios*, *PG* 105, cols. 565–8; Pseudo-Symeon, ed. Bekker, *Theophanes Continuatus*, 689–90; A. Schminck, 'The Beginnings and Origins of the "Macedonian Dynasty"', in J. Burke and R. Scott, eds, *Byzantine Macedonia: Identity, Image, and History* Byzantina Australiensia 13 (Melbourne, 2000), 65–6.

Romanos how to deal with northern barbarians who ask to be given precious state assets: imperial insignia, the recipe for Greek Fire, and imperial brides.[103] Such requests are to be 'overturned and rebutted by plausible speeches and prudent and clever excuses'; the barbarians are to be told, in each case, that the alienation of the national heritage is strictly forbidden by a decree of Constantine the Great that is inscribed on the altar of Hagia Sophia. The sheer absurdity of the claims, coupled with the characterisation of them as 'plausible speeches' (λόγων πιθανῶν), strongly suggests that Constantine knew they were 'mumbo-jumbo', and assumed that anyone apart from an ignorant northern barbarian would know it too.[104] The use of invention and deceit for state propaganda purposes had already been endorsed by Leo VI in his *Tactica*.[105] However, Constantine does not give the game away, or allow his reader to do so; the imperial manipulation of history is to remain a state secret, just like the recipe for Greek Fire, as inscrutable as the altar of Hagia Sophia on which the decrees were supposedly inscribed. So modern scholars, like tenth-century barbarians, are kept guessing.

But this is not all that Constantine fails to divulge. The *DAI* is full of historical information. Where the text is not our only source of this, it is often threadbare or demonstrably wrong. Its defects have generally been explained by a lack of books, sloppy research and reliance on oral tradition.[106] Only one interpreter of the text has suggested that the rewriting of historical fact may be deliberate, that it serves a subtle and complex ideological agenda that Constantine VII was trying to communicate confidentially to his son.[107] I personally think that there is something in this interpretation, and that at least the text's grosser errors, such as the amazing distortion of Italian history, which makes the sixth-century eunuch Narses a contemporary of the empress Eirene and completely fails to mention Justinian, can only be explained by deliberate manipulation.[108] But the truth is that Constantine does not reveal his thinking here any more than in the 'plausible

103 Ed. Moravcsik, tr. Jenkins, 66–77.

104 Cf. P.A. Yannopoulos, 'Histoire et légende dans Constantin VII', *Byzantion* 57 (1987), 158–66; Ševčenko, Re-reading Constantine Porphyrogenitus', 182.

105 In his frequent recommendations that generals should make up favourable signs and portents in order to encourage their troops: *PG* 107, cols 885, 1033, 1049, 1053–6, 1061; Tougher, *The Reign of Leo VI*, 119.

106 J.B. Bury, 'The Treatise De Administrando Imperio', *BZ*15 (1906), 517–77; R.J.H. Jenkisn, ed., *De Administrando Imperio*, II. *Commentary* (London, 1962); Ševčenko, Re-reading Constantine Porphyrogenitus', 189ff.

107 T. Lounghis, *Κωνσταντίνου Ζ΄ Πορφυρογεννήτου: De Administrando Imperio (Πρὸς τὸν ἴδιον υἱὸν ῾Ρωμανόν): μία μέθοδος ανάγνωσης* (Thessaloniki, 1990).

108 See also V. von Falkenhausen, 'Italy in Byzantine Literature of the Tenth Century', in Markopoulos, ed., *Constantine VII Porphyrogenitus*, 25–38; on the Venetian section of the *DAI*, see T.S. Brown, 'History as myth: medieval perceptions of Venice's Roman and Byzantine past', in R. Beaton and C. Roueché, eds, *The Making of Byzantine History: Studies Dedicated to Donald M. Nicol* (Aldershot, 1993), 145–57.

speeches' of Chapter 13. All we can know is that he authorised as emperor the version of history presented in the *DAI*,[109] and this, as far as he was concerned, was surely the point.

The *DAI*, and to some extent Constantine's other 'governmental' treatises (*De Thematibus*, *De Cerimoniis*, *Treatise on Imperial Expeditions*) give several insights into his conception of history and the intention behind his historiographical projects. They contain much material that he might have incorporated into his original project for a grand history of Byzantium, had he got around to writing up the period before 813 and the dynastic sequel to the *Life of Basil*. In particular, the numerous references, in the *DAI* and the *De Thematibus*, to the administrative and foreign policy initiatives of Leo VI, suggest that Constantine was collecting material for a positive evaluation of his father's reign.[110]

More generally, the *DAI*, as a largely prescriptive work, illustrates the prescriptive value that Constantine gave to his knowledge of the past. History writing was for him an exercise in imperial authority, comparable to legislation and legal codification. In concluding this chapter, it is appropriate to re-emphasise the parallel, made earlier, between Constantine VII's historiographical projects and the legislative oeuvre of Leo VI, which echoed the achievement of Justinian. Under Constantine VII, the entire record of history was reissued on the emperor's authority, at least in conception. Like the re-codification of the law, the reissue of historiography consisted of two projects: on the one hand, a reorganisation of material to be preserved (the *Excerpta*); on the other hand, the rewriting of material to be corrected (the projected history of the empire to 813), along with the composition of material written up for the first time (Genesios, *Theophanes Continuatus*, the *Life of Basil* and its sequel). As in legislation, the emperor was the sole issuing authority and the only named author, although his subordinates did the work of drafting. The actual writers of *Theophanes Continuatus* and the *Vita Basilii* are anonymous; Genesios' name was added to the manuscript in the fourteenth century; the only named author in the canon is Theophanes, and he is acknowledged by name only because he is a substitute and the emperor's kinsman. As with the law, material was chosen because it was useful, not because it was true,

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[109] Notwithstanding the consensus that the work is not a unitary composition but an unevenly edited dossier of incompletely integrated files, a substantial part of which may go back to Leo VI: see the independent analyses of C. Sode, 'Untersuchungen zu De administrando imperio Kaiser Konstantins VII. Porphyrogennetos", *Poikila Byzantina* 13 (Bonn, 1994), 149–260, and J. Howard-Johnston, 'The De administrando imperio: A Re-examination of the Text and a Re-evaluation of its Evidence about the Rus', in M. Kazanski, A. Nercessian, C. Zuckermann, eds, *Les centres proto-urbains russes entre Scandinavie, Byzance et Orient*, Réalités Byzantines 7 (Paris, 2000), 301–36.; J. Signes Codoñer, 'Los eslavos en las fuentes bizantinas de los siglos IX-X: el De administrando imperio de Constantino Porpfirogenito', *Ilu.Rivista de las ciencias de las religions* 13 (2004), 115–31.

[110] *DAI*, ed. Moravcsik, tr. Jenkins, 175–7, 189ff, 204–5, 206–9, 236–45, 246–51, 256–7; *De thematibus*, ed. Pertusi, 73, 75–6,

or because the past was worth preserving for its own sake. It was the emperor who decided what was useful and what was true, and he made little real distinction between the documentation and the invention of historical facts.

15

The Authority of Knowledge in the Name of the Authority of *Mimesis*[*]

Charalambos Bakirtzis

In my efforts to understand Byzantium I have often felt frustrated that words alone seem inadequate for such a subject, and left me unsure of its realities. As an instance of this difficulty, when I worked at the Kosmosoteira monastery at Bera in Thrace, I could not and still cannot comprehend how two pairs of slim columns are able to support one of the largest – seven metres in diameter – and heaviest domes in any cross-inscribed church.[1] In addition, the southern pair of columns lean away from the perpendicular, causing the marble trunks to split. Despite careful measurements and calculations, it has not been possible to ascertain whether this dangerous deflection of the columns, and the consequent subsidence of the dome by 50–70 centimetres, occurred during the construction of the church in the middle of the twelfth century or in more recent years.

In 1976, when, as a young archaeologist, the monument was officially entrusted to my care, I was at a loss. After working with and learning from prominent engineers, I turned to the founder, Isaakios Komnenos, and the *typikon* or foundation charter of the monastery, which he himself composed in 1152.[2] With much sweat, hours of labour and considerable expense, as well as the assistance of the Mother of God and the skill of the masons, he built the church and ancillary monastic buildings.[3]

* I am grateful to Thales Avdes, George Hadjimichalis, Henri Maguire, Robert Ousterhout, Kyrillos Sarris, Costas Yavis, and Pandelis Xydas for sharing with me their expertise.

1 R. Ousterhout and Ch. Bakirtzis, *The Byzantine Monuments of the Evros/Meriç River Valley* (Thessaloniki, 2007), 62–5.

2 G. Papazoglou, *Typikon Isaakiou Alexiou Komnenou tes Mones Theotokou Kosmosoteiras (1151/52)* (Komotini, 1994). J. Thomas and A. Constantinides Hero, eds, *Byzantine Monastic Foundation Documents: A Complete Translation of the Surviving Founders'Typika and Testaments*, 2 (Dumbarton Oaks, 2000), 782–858: 'Kosmosoteira: Typikon of the Sebastokrator Isaac Komnenos for the Monastery of the Mother of God Kosmosoteira near Bera' (trans. Nancy Patterson Ševčenko). A slip of the pen by Bakirtzis in Ousterhout-Bakirtzis, *Byzantine Monuments*, 85 ascribed the translation to R. Jordan.

3 *Typikon*, ch. 31 and 72.

Although he had suffered a stroke and was semi-paralysed down the right side of his body, he monitored the work of the masons personally and gave specific instructions.[4] Isaakios took his responsibilities seriously and made provision for the building's survival. For that reason he determined that the abbot should maintain the church and other buildings by having craftsmen permanently on call.[5] Indeed, he bequeathed a considerable sum of money and other revenues for this purpose.[6] If any of the monastery buildings were to be damaged or destroyed by fire or earthquake, the abbot was duty bound to restore them to their former condition and function, so that the buildings erected by Isaakios would be preserved forever.[7] If, on the other hand, any building outside the boundaries of the monastery, such as the baths or guesthouse (*despotikon*), were to begin operating in such a way as to disturb the monks, he specified that it should be completely dismantled and that the construction materials should not be thrown away but used for the erection of other buildings for the monastery.[8] It is clear from the *typikon* that Isaakios, in best twenty-first-century style, believed that 'maintenance' was the most appropriate way to preserve the monuments.[9] Here are some of his regulations:

- Queen and Kosmosoteira, enter my mind and tell me what is best for the undisturbed preservation of the work … I enjoin the most holy superior of the day, and all the monks of the monastery, to care for it, and … to restore whatever damage they incur over the course of time (Ch. 72).
- I was sitting in a low chair – since I was ill – and inspecting what the workmen had done (Ch. 75).
- Since I arranged, with the help of God, for the church to be adorned as far as possible with gleaming marbles and gold, I wish whoever is superior of the monastery to take every care to retile the roof when in the course of time the lead is ruined by holes, so that storm showers will cause no damage to the adornment of the church, through stain or dirt (Ch. 79).
- I desire, then, for the sake of the adornment of the church, that the monks should attend to its pavement with their hands every day (Ch. 82).
- Never, in all the days to come, do I want the bath to be neglected by the superior, as this would lead to its destruction … The superior must make it his concern that there be established in the monastery some craftsmen required to execute the projects needed by the monastery (Ch. 97).
- Should at any time some calamity befall the church due to an earthquake one of these days – which I pray will not be the case – the superior would

4 *Typikon*, ch. 70, 75 and 94.

5 *Typikon*, ch. 97 and 102.

6 *Typikon*, ch. 69, 92 and 94.

7 *Typikon*, ch. 70.

8 *Typikon*, ch. 113 and 115.

9 Ch. Bakirtzis, *Epanodos apo ten Hellada: Oi archaiotetes sten avge tou eikostou protou aiona*, *Annual Lecture in the Memory of Constantinos Leventis* (Nikosia, 2006), 7–8.

not grant any delay in its restoration, but rebuild it straightaway, keeping its present form, and the quality of its colour and material. For I do not wish it to undergo any other alteration, however much cheaper, on account of the calamity, but for its present features and visible characteristics to be preserved forever just as they are sealed.

- As for the holy icons that have been dedicated to stand at my tomb, that are renowned as paintings, if ever over time their wooden parts should start to fall apart, the superior of the time must not fail to employ a first-rate craftsman to lay the images again on to other boards fashioned with skill out of elm wood, and must set the images back up were they were before, at my tomb (Ch. 109).
- … let it (the bath) be torn down completely at that time by the superior, and its building material used for other houses outside the enclosure for the benefit of the venerable monastery (Ch. 113).

So I followed the exhortations of the charter of the monastery and introduced modest interventions and repairs, which would allow Isaakios' building to survive while at the same time retaining its authenticity. With work related mainly to damp-proofing, constant maintenance and monitoring of any small movement, it was in good condition when handed over to my successors in the task of preserving it.[10]

During my relationship with the monument, one particular occasion brought home to me a comprehension of the authority of *Mimesis*. One evening I happened to be in the courtyard of Kosmosoteira as the *Akathistos Hymnos* (*Salutations to the Mother of God*) was being sung, when the lights illuminating the outside of the church failed. We were plunged into darkness while the brilliantly lit interior of the church shone through the windows.[11] It was then that an understanding of the role of artificial lighting in the interior of Byzantine churches as a *mimesis* of natural lighting came to me.[12] The artificial light of holy candles radiates out from the inside, quite the opposite of the external natural light of day; it counterbalances the

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[10] Th. Avdes and Ch. Bakirtzis, 'Paraskolouthese mikrometakineseon tou naou tes Kosmosoteiras, Pherrai Evrou', *Mnemeion kai Perivallon* 3:1 (1995), 90–101. Ousterhout-Bakirtzis, *Byzantine Monuments*, 63–4.

[11] Dale Kinney, 'The Church Basilica', in J.R. Brandt and O. Steen, eds, *Acta ad Archaeologiam et Artium Historiam Pertinentia* XV (N.S. 1) (2001), 129, fig. 16, compares the Lateran basilica at night to the Bryn Mawr College, USA, Thomas Great Hall at dusk: 'the effect of the illumination glowing through the large windows must have been doubly powerful to a spectator standing in the dark'. I had recently the same feeling in Princeton seeing the fully functioning libraries shining at night.

[12] Liz James, *Light and Colour in Byzantine Art* (Oxford, 1996) 4–8, calls the external natural light of the churches 'real light'; P. Mastora, 'The virtual lighting of the Rorunda's mosaics'*Lighting in Byzantium*, *4th International Round Table of the International Lychnological Association (ILA), Thessaloniki 11–14 October 2011* (at press). G.L. Huxley, *Anthemius of Tralles: A Study in Later Greek Geometry*, Cambridge Mass 1959, explains the way of lighting of Saint Sophia in Constantinople from outside to inside.

concept of the Byzantine church as likeness (*mimesis*) of the self-lighted (αὐτόφωτος) heavenly world which it reconstructs and which, at the same time, it contains. Archbishop Symeon of Thessaloniki explained that the lights lit in the church imitate the ceaseless illumination of the spirit, which exists in the holy things, and that the hanging lights imitate the stars and the circle of the firmament.[13] A bronze processional lantern of the eleventh or twelfth century, in the shape of a two-storied, multi-windowed rectangular tower, with a cross-in-square church on the top, replicates such a form of interior lighting and transformation.[14]

Isaakios, the founder, strictly forbade any depiction of him inside the church:

> May they never under any circumstances at any time wish to make an image of me as the unfortunate founder of the monastery – not anywhere here, either outside or inside the enclosure encircling the monastery … I do not wish my form or 'name to be delineated in the lands' [Ps. 48 [49]:11].[15]

Even so, the warrior saints who stand behind the hierarchs on the northern and southern walls of the church appear to have the facial features of Isaakios and other members of the royal family, such as his father Alexios and his brothers Ioannis and Andronikos.[16] By this double *mimesis*, then, saint-cum-soldier and prince-king, were two opposites discreetly preserved, despite an overt opposition: both the desire of the founder and the honour due to him were thus commemorated.

Another example of the conflict of authority: at Synaxis, east of Maroneia, on the north shore of the Aegean Sea, within the *arcosolium* (built bench) on the south side of the church, where the monks sat, was a tomb to remind them of the vanity of this world.[17] It is not easy for me to understand on what perceived authority an exceptionally fine glass chalice was placed next to the monk in his burial chamber. Such a juxtaposition is, however, most unusual. Alas, time and rodents have shattered and broken up the exquisite glass, depriving art and science of a superb archaeological find.

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13 *PG* 155, 705 and 708.

14 An example is on display in the Princeton University Art Museum, no 2008.5. The object is described as a processional cross. For other examples described as processional crosses see Slobodan Ćurčić, 'Representations of Towers in Byzantine Art: The Question of Meaning', in C. Hourihane, ed., *Byzantine Art: Recent Studies: Essays in Honor Lois Drewer* (Princeton and Tempe, 2009) 31–7. For other kind of lanterns, see L. Bouras and M. Parani, *Lighting in Early Byzantium* (Dumbarton Oaks, 2008), 5.

15 *Typikon*, ch. 77.

16 Ch. Bakirtzis, 'Warrior Saints or Portraits of Members of the Family of Alexios Komnenos ?', in J. Herrin, M. Mullett and C. Otten-Froux, eds, *Mosaic: Festschrift for A.H.S. Megaw* (British School at Athens, 2001), 85–7.

17 Ch. Bakirtzis and G. Hadjimichalis, *Synaxe Maroneias* (Athens, 1991), 85. Ch. Bakirtzis, 'Synaxis de Maronée. Données des fouilles, 1985–1990', *Domaine de Kerguehennec 1994, Exposition d'art contemporain et d'archéologie, 25 juin–15 septembre 1994.*

Nor is it easy for me to understand what knowledge underlay the choice of the monks who came to the northern Aegean shore of Synaxis after the end of Iconoclasm and the restoration of Orthodoxy, to adapt the ruins of an early Christian basilica instead of erecting new facilities on a fresh site, especially when there is an abundant supply of stone in the region. They built the church inside the large apse of the basilica's sanctuary and used the central nave as the monastery's outdoor courtyard. They located the guesthouse and the kitchen in the southern nave, and the refectory in the southern wing of the transept of the basilica. In the northern nave they built cells and an archive room. The exterior walls of the basilica served as the enclosure of the monastery. Comparing the two buildings, which are separated by four or five centuries, it is impossible not to see that the microcosm of the latter is a kind of *mimesis* of the former, and that the monks adapted their needs, their operations and the new constructions to the pre-existing Early Christian *locus sanctus*. When I excavated the site I therefore refrained from dismantling the newer and more dilapidated building as a means of exploring the older one more fully, as is usually the case in excavations. Not wanting to know all their secrets, I preferred to leave their coexistence apparent. This is epitomised by two olive trees growing in the central nave of the Early Christian basilica, and at the same time in the courtyard of the later Byzantine monastery, their roots upsetting the logical sequence of time.

The Synaxis had more to reveal: in its refectory, in the southern wing of the transept of the basilica was the abbot's throne, haphazardly constructed of marble spolia, and the monks' benches and table built directly on the bare surface of the basilica floor, after the marble covering slabs had been removed for use elsewhere. I could not understand how those slabs were in such excellent condition, unmarked by the monks' footsteps as they came and left the refectory. And how was it possible for such a senior figure as the abbot to sit on such a wretched, uncomfortable throne? The problem was solved when I realised that the refectory floor imitated those in mosques, and was thus always covered with colourful carpets, and that the throne imitated Franz West's *divans* (couches), upholstered in old Persian carpets, and thus would have been covered with luxurious fabric and colourful cushions.[18]

A further example: on the basis of what knowledge did Christodoulos Andonopoulos, a folk poet (ποιητάρης) from the village of Arminou, near Paphos in Cyprus, who went to Thessaloniki as a volunteer soldier in 1912, describe the veneration of Saint Demetrios in terms that were so similar to those used by Archbishop Eusebius of Thessaloniki eighteen centuries earlier?[19] In both texts

[18] Franz West, Auditorium, 1992, Documenta IX, Kassel, Germany. D. Alexander, *Franz West: Work 1972–2008* (The Baltimore Museum of Art, The MIT Press 2008), 83–4. See the collection of the Centre d'Art Contemporain Domaine de Kerguéhennec, Bignan, France ('Oeuvres dans l'espace', *Domaine de Kerguhennec 1993*).

[19] In a letter to Emperor Maurice (582–602): P. Lemerle, *Les plus anciens recueils des miracles de Saint Démétrius*, I (Paris, 1979), 89–90, ch. 52–4. See also Ch. Bakirtzis, ed., *Hagiou Demetriou Thaumata: Oi Sylloges tou archiepiskopou Ioannou kai Anonymou: O bios, ta*

the cult of Saint Demetrios was associated with soil, warmth and fragrant odour. It is unlikely that a Cypriot folk poet had read *Patrologia Graeca* (116: 1240–1241), which is where the archbishop's letter to Emperor Maurice was to be found at that time. Rather, the similarity in the descriptions testifies to the repetition of religious tenets and continuous *mimesis* in liturgical practices.[20] The details are as follows. According to Andonopoulos, the relics of Saint Demetrios lay inside a coffer in such a way that 'people could not see them, but could only touch them with their hands'. In the early twentieth century, the Church in Thessaloniki, influenced by the scientific and rationalistic knowledge of the time, prohibited pilgrims from putting their hands into Saint Demetrios' tomb by placing pieces of marble in the cross-shaped opening. Yet *knowledge* has been unable to stem the force of *mimesis*: inside the tomb are many notes with supplications to the saint, dropped through the small cross-shaped slits in the sarcophagus.[21]

And again, in the same way I cannot understand on the basis of what authority a woman in Thessaloniki felt she could openly proclaim her love for a man whom she called *φῶς τῆς ζωῆς της* (light of her life), *ἐλπίδα* (cause and goal of hope), *ζωὴ* (life and belief in it) *and τέρψιν* (joy and pleasure). I am speaking of the funeral inscription of Loukas Spandounes, who was buried *ἐν τῇ ἀκμῇ τῶν μεγίστων ἐλπίδων* (at the height of the greatest hopes) in the Basilica of Saint Demetrius in 1481, 51 years after the city had fallen to the Turks.[22] In the same year the basilica ceased to function as a Christian church, and twelve years later was turned into a mosque.[23]

thaumata kai he Thessalonike tou Hagiou Demetriou (Athens, 1997), 337–43: Christodoulos Andonopoulos, 'The Liberation of Thessaloniki by Saint Demetrios in 1912', comments in 433–6.

[20] Ch. Bakirtzis, 'Pilgrimage to Thessalonike: The Tomb of St. Demetrios', *Dumbarton Oaks Papers* 56 (2002), 189.

[21] Ch. Bakirtzis, 'Ho taphos tou Haghiou Demetriou', *Proceedings of the 12th Symposium Christian Thessaloniki: The Church of Saint Demetrios. Centre of Pilgrimage for East and West, Vlatades Monastery, 1–3 October 1998*, Thessaloniki 2001, 196–7. Today the church has removed a piece of marble.

[22] P. Papageorghiou, 'Mnemeia tes en Thessalonike latreias tou megalomartyros Hagiou Demetriou', *Byzantinische Zeitschrift* 17 (1908), 364–7 and 374 with detailed commentary. Ch. Bouras, 'To 'Epitymvio tou Louka Spandoune ste basilike tou Haghiou Demetriou Thessalonikes', *Epistemonike Epeteris tes Polytechnikes Scholes Panepistemiou Thessalonikes* 6 (1973), 21–5. J-M. Spieser, 'Inventaires en vue d'un recueil des inscriptions historiques de Byzance. I. Les inscriptions de Thessalonique', *Travaux et Mémoires* 5 (1973), 178–80. S. Tambake, *He Thessaloniki stis perigraphes ton perieghton: Latreutika mnemeia* (Thessaloniki, 1998), 92–3.

[23] I was unjustified in claiming that the basilica of Saint Demetrios 's'est transformé en lieu de prière comme les mosquées' before 1493 (Ch. Bakirtzis, 'Le culte de Saint Démétrios à Thessalonique, 1430–1493, des Byzantins aux Ottomans', *Croyances populaires, rites et représentations en Méditerranée orientale, Actes du colloque de Lille, 2–4 décembre 2004*, edités par C. Bobas, C. Evangelidis, T. Milioni et A. Muller, Athènes 2008, 178). What is more likely is that it had fallen into disuse and was functioning as a covered courtyard of the tomb

As Charalambos Bouras has pointed out, the tomb of Loukas Spandounes, which can only be compared to those of the doges, was produced in the Venetian workshop of Pietro Lombardo and transported to Thessaloniki.[24] The following is inscribed upon it:

1. Αὔχημα δειχθεὶς τοῦ τῶν Ἑλλήνων γένους,
2. τῷ περιόντι τοῦ τῶν ἀρετῶν κύκλου,
3. καὶ τὴν π(ατ)ρίδα ἀποβεβληκώς, οἴμοι,
4. τῆς βαρβαρικῆς οὐ μετέσχες κηλῖδος.
5. Τῶν γὰρ π(ατ)ρίων ἀρετῶν ἐξημμένος,
6. χρυσὸς ὥσπερ τις ἢ ἀστὴρ ἑωσφόρος
7. ἔλαμψας λαμπρῶς τῷ τῶν ἀρετῶν κάλλει.
8. Σωφροσύνην γὰρ καὶ ἀνδρείαν ἀσκήσας,
9. τήν τε φρόνησιν καὶ τὴν ἰσονομίαν,
10. ἃς βάθρον ἔθου ἀρετῶν τῶν ἐνθέων,
11. ἄγαλμα θεῖον τοῖς πᾶσιν ἀνεδείχθης
12. θέλγων δὲ πάντας τῇ τῶν λόγων σειρῆνι
13. καὶ τῇ γλαφυρᾷ τοῦ κάλους ἀγλαΐᾳ
14. καὶ τοῖς γενναίοις τῶν ἔργων καταπλήττων.
15. Ἐν τῇ ἀκμῇ, φεῦ, τῶν μεγίστων ἐλπίδων
16. οἴχῃ μοι, τὸ φῶς καὶ κλέος τῆς ζωῆς μου,
17. τὸ κοινὸν κλέος, ἡ σειρὰ τοῦ χρυσοῦ γένους
18. ἡ τῆς φύσεως λαμπρὰ φιλοτιμία.
19. Αἰαῖ τῆς ἐμῆς καὶ κοινῆς δυστυχίας!
20. Οἷα ὑπέστην ἐπὶ σοί, φεῦ, τοῦ πάθους,
21. φίλη κεφαλή, ἐλπίς, ζωή, φῶς, τέρψις,
22. τοῦ Βυζαντίου καὶ τῶν Ἑλλήνων ὄρπηξ.

Ἐκοιμήθη ὁ δοῦλος τοῦ Θ(εο)ῦ Λουκᾶς ὁ Σπαντούνης ἐν ἔτοι ϛωπθῳ (ἰ)ν(δικτιῶνος) ιδ΄ μινοὶ Ἰανουαρίο α΄.

This may be translated as:

> You proved to be the pride of the Greek race,
> outstanding in the sphere of the virtues.
> Having abandoned, alas, your homeland,
> you had no part in our opprobrium.

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of Saint Demetrios where pilgrims gathered, irrespective of whether they were Christians or Muslims (compare the fonction of the open courtyard of the basilica of Saint Demetrios, J-P. Sodini, 'Atria et cours dans les sites de pèlerinage du monde byzantin', in Christian Sapin, ed., *Avant-nefs et espaces d'accueil dans l'église entre le Ive et le XIIe siècle* (Editions du CTHS), 38–9).

[24] Bouras, 'Epitymvio', 28–47.

Dependent on the virtues of our fathers,
you were as gold or like the morning star.
You shone brightly in the beauty of the virtues.
You practised temperance and boldness
and care and equality before the law,
which you made the base of the God-inspired virtues
and proved to be a statue thereon,
attracting all with the siren call of your words
and the clear brightness of your goodness,
astonishing them with the boldness of your works.
Woe is me. At the very height of my greatest hopes,
my light and the glory of my life,
the glory of all, the link to the golden race,
the bright ambition of nature.
Oh, to my own and the common misfortune,
how much I suffered for you,
beloved head, my hope, my life, my light, my joy,
scion of Byzantium and the Greeks.

The servant of God Loukas Spandounes fell asleep in the Lord in the year 1481, the 14th indiction, on the 1st day of the month of January.

This text requires some commentary:

Line 1: The cross at the beginning of the inscription lies outside the framework and its carving has vertical interstices rather than the slanted ones of the letters. In form it resembles those crosses to be found in Thessaloniki which date from the early twentieth century, for example those on the iconostases of the churches of Saint Sophia and Saint Menas. The cross at the beginning of the inscription of Spandounes was carved post 1912, when the church was returned to Christian worship. It does not appear in the publications before 1912/1913.

Lines 3–4: This means that he was self-exiled from his homeland and did not live enslaved. The 'opprobrium' refers to 'paidomazoma', the abduction of Christian children by the Turks.[25] The case of three Palaiologan princes, Mesih Paşa, his brother Has Murad Paşa and a third, unknown boy, all sons of Thomas Palaiologos, the elder brother of the last emperor, Constantine XI, who were raised as pages in the seraglio of the conqueror Sultan Mehmet II[26] is a case of early paidomazoma.

[25] Apostolos Vacalopoulos, *Historia tou Neou Hellenismou*, II, second edition (Thessaloniki, 1976), 60–7.

[26] H. Lowry, 'A Note on Three Palaiologan Princes as Members of the Ruling Ottoman Elite', in *Defterology Revisited: Studies on 15th and 16th century Ottoman Society* (Istanbul, 2008), 75–84.

The spirit of verses 3–4 is related to the critical stance of Theodore Spandounes (or Spandugnino), who had found refuge in Venice after 1453.[27] Ch. Bouras suggested that Loukas Spandounes and Theodore Spandounes were members of the same family.[28]

Line 6: Χρυσός good, beloved: *Kallimachos and Chrysoroe* 1275

> Καλλίμαχε, χρυσέ μου

ibid. 2379–2380:

> ὁ δὲ χρυσὸς Καλλίμαχος καὶ δυστυχὴς ἐκ Τύχης,
> ἐκ γένος τὸ βασιλικὸν καὶ μισθαργὸς ἐκ Τύχης[29]
> Ἀστὴρ ἑωσφόρος, morning star: Livistros and Rodamne 2287
> πότε νὰ ἔβγῃ τῆς αὐγῆς τὸ ἐρωτικὸν ἀστρίτσιν

ibid. 2292 ὁ κάποτε ἦλθεν τῆς αὐγῆς τὸ ἐρωτικὸν ἀστρίτσιν[30]

Line 11: Ἄγαλμα: statue, in Greek means that which people rejoice in.

Line 13: Κάλος, rather than *κάλλος*: beauty.

Line 17: Χρυσὸν γένος, golden race or fine race, λαμπρὸν γένος: *Velthandros and Chrysantza* 1181 *ποῦ τὸ λαμπρόν μου γένος;*[31]

Line 21: Echoes of the expressions of love here can be found in Greek literature:

> *Πάθος*, misfortune as in Kallimachos and Chrysoroe 2371
> καὶ κἂν ἂς ἦτον εἰς ἐμέ, Τύχη, τὸ πάθος ὅλον[32]

On the trials of love see *Phlorios and Platzia Flora* 474

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[27] Donald Nicol, *Theodore Spandounes: On the Ottoman Emperors* (Cambridge, 1977), 61. Ch. Bouras suggested that the presence of Theodore Spandounes in Thessaloniki in 1482–1487 is related to the funeral inscription of Loukas Spandounes.

[28] Ch. Bouras, 'Epitymvio', 26. For other members of the Spandounes family see Bouras, 'Epitymvio', 13–21 with references to the contributions of C. Sathas and D. Nicol.

[29] E. Kriaras, *Byzantina ippotika mythistoremata*, Basike bibliotheke 2, Athens 1955, 281; texts: Kriaras, *Mythistoremata*, 54 and 76.

[30] P. Agapitos, *Livistrou kai Rodamnes kritike ekdose tes diaskeves a*, Athens 2006, 344, 345, 455=means the dawn star, that is, Venus.

[31] Kriaras, *Mythistoremata*, 124.

[32] Kriaras, *Mythistoremata*, 76.

ἀκόμη οὐκ ἐκατέμαθες ὅτι διὰ σένα πάσχω[33]
Φίλη κεφαλή was used by Plato: Φαῖδρε, φίλη κεφαλή Plato, Phaedros 264A.
Ἐλπίς as a cause and goal of hope: Imberios and Margarona 135–8
λέγει τον ὁ πατέρας του μετὰ πολλῆς ἀγάπης
Ἰμπέριε, ὀμμάτια μου, ψυχήν μου καὶ ζωή μου,
ἐλπίδα μου εἰς τὸ γῆρας μου …[34]

and in *Erotokritos* IV, 169–70

κ᾽ ἐκείνη ἡ λαμπιρὴ φωτιά, πού᾽φεγγε σὰν ἡμέρα,
εἶν᾽ἡ ὀλπίδα τῆς καρδιᾶς, ὁπού᾽ χεις, θυγατέρα.[35]
Ζωή as the life force of love: Phlorios and Platzia Flora 466–7
Ἀγάπη μου, πόθε μου καλέ, γλυκοπερίπλοκέ μου,
ἥλιε μου, αὐγή μου, ἡμέρα μου, ζωή, ἐμψύχωσίς μου[36]

From a Cypriot poem in the Italian style: *Λυποῦμαι σε, ζωή, γοιὸν ἐγίνης*[37]

Φῶς, light of her life as in *Kallimachos and Chrysoroe* 2372
καὶ μὴ πρὸς τὸν Καλλίμαχον, τὸ φῶς τῶν ὀφθαλμῶν μου[38]

and in Livistros and Rodamne 2001–2

καρδίαν κατονομάζω σε, ψυχήν μου σὲ ὑπογράφω,
λέγω σε δεσποτεία μου καὶ φῶς μου σὲ κηρύττω[39]

ibid. 1742–3:

λέγω σε ὡς δεσπότη μου καὶ φῶς τῶν ὀφθαρμώ μου
καὶ ἀπὸ τοῦ νῦν ἐγνώριζε ὅτι ῾ς ἐσὲν ἐλπίζω[40]

and in the dreams of Marinos Falieros
Ὦ πολυαγαπημένη μου, ὦ φῶς μου καὶ ψυχή μου[41]

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[33] Kriaras, *Mythistoremata*, 150.

[34] Kriaras, *Mythistoremata*, 217.

[35] Vitsentzos Kornaros, *Ho Erotokritos*, introduction G. Seferis, Galaxias, Athens 1968, 249.

[36] Kriaras, *Mythistoremata*, 150.

[37] Th. Siapkaras-Pitsillidès, *Le pétrarchisme en Chypre: Poèmes d'amour en dialecte chypriote*, second edition, Paris and Athens 1975, 222, no 98.25.

[38] Kriaras, *Mythistoremata*, 76.

[39] Agapitos, *Livistros kai Rodamne*, 334).

[40] Tina Lendari, *Livistros and Rodamne, The Vatican Version* (Athens, 2007).

[41] A. Van Gemert, *Μαρίνου Φαλιέρου ἐρωτικὰ ὄνειρα* (Athens, 2006), 409.

Line 22: An older reference than those collected *Βυζάντιον* with the meaning of Constantinople, or with the meaning of Byzantium as historical term, by Hieronymus Wolff (1516–1580), who introduced the term 'Byzantium'.[42]

Line 23: The last verse, with the name of the dead man, his characterisation as a 'servant of God' and the date of his death, is in a different style from the rest preceding verses 1–22 of the poem. Its poor level of literacy follows the model of older epigraphs. It was not initially part of the poem and was probably added when the epigraph was engraved in marble.

The intensity of personal feelings in the inscription, the richness of the expressions, as well as the absence of a cross and a divine invocation for the salvation of his soul suggest that behind the funeral inscription lies a *poème d'amour*. Phrases such as *ἄγαλμα θεϊκό* (divine statue), *σειρῆνα τοῦ λόγου* (siren of the word) and *ἀγλαΐα κάλους* (brightness of beauty) are expressions of feminine admiration. Characterisations such as *αὔχημα τοῦ γένους τῶν Ἑλλήνων, τοῦ Βυζαντίου καὶ τῶν Ἑλλήνων ὄρπηξ* (splendour of the Greek nation and scion of Byzantium and the Greeks) are an expression of pride (*κλέος τῆς ζωῆς*) on the part of a cultivated woman in love, who composed the 12-syllable verses in a milieu of 'Byzantine Petrarchism'.[43] The authority of the knowledge of death and the authority of *mimesis* of Italian models gave way to the power of the authority of love. The free expression of personal feelings is imbued with intensity and dignity, without insistence on conjugal virtue or the deification of love and the dark tones of spleen and despair, which the melancholic poets of the Renaissance established. The tomb of Loukas Spandounes is the final monument of the Byzantine aristocracy, and his funeral inscription is Byzantium's last love poem or the first Neogreek love poem.

Also in Thessaloniki in the Church of the Holy Apostles (1312–1315), the mosaic artist practised his art in imitation of Lysippus and Apelles, as was suggested by Nikephoros Choumnos (1250/5–1327).[44] But I still do not understand on the basis of what authority of mimesis he depicted the body of Christ in baptism naked,

[42] The historical term 'Byzantium'was introduced by Hieronymus Wolff (1516–1580). Sharon Gerstel, 'Exhibition Review. The Aesthetics of Orthodox Faith', *The Art Bulletin* 87 (2005), 331, attributes the introduction of the term to the Venetian Andrea Dandolo in the fourteenth century. See also a review of the issue by Slobodan Ćurčić, 'The Absence of Byzantium. The Role of a Name', *Nea Estia* 82 (2008), 495–6.

[43] Siapkaras-Pitsillidès, *Le pétrarchisme en Chypre*, 30. E. Kriaras, 'Italikes epidraseis se palaiotera ellenika keimena', in *Mesaionika meletemata: Grammateia and glossa,* II (Thessaloniki, 1988), XLIII, 19–20.

[44] I. Boissonade, *Anecdota graeca III* (Paris, 1831), 357: '*ὥσπερ οἱ τὰς εἰκόνας καὶ τῆς μορφῆς γράφοντες πρὸς πίνακας καὶ τύπους τοὺς πάλαι Λυσίππου τινὸς καὶ Ἀπελλοῦ*'.

without a male member, and with hips which have the softness and femininity of the female body.[45]

Similarly, how is it physically possible for the Mother of God in Lamentation at Nerezi (1165) to receive her dead Son onto her lap as she does, unless, in her great pain, she seems to extend her right leg twice as far as the left?[46] The foreshortening of the perspectives (that is some limbs are longer and others shorter) of the forms at Nerezi is used by D. Pallas as an example of the *sui generis* imitation of reality which Byzantine art followed and which John Beckwith called *conceptualised* naturalness.[47]

At the Wedding in Cana in the church of Saint Catherine (decorated at the end of the thirteenth century) in Thessaloniki, the power of the miracle of changing water into wine is so great that some jars are coloured greyish-blue, some greyish-red and others red, the painter capturing for ever in visual stages the very moment when the miracle actually took place.[48] In a different way, the artist responsible for the mosaic in the Monastery of Chora (1316–1321) gives all the jars in his representation of the same scene a red colour, indicating that the miracle had already been wrought.[49] Nikephoros Choumnos (1250/5–1327) explains that the water was changed into wine at Cana as a demonstration of the 'transformational'

[45] Compare the nudity and the femininity of Christ baptised in the Latomou monastery (1360–1370. See other examples in E. Tsigaridas, *Oi toichografies tes mones Latomou Thessalonikes kai he byzantine zografike tou 12ou ai.* (Thessaloniki,1986), 63), or the nakeness and feminity of Christ crucified with a transparent loincloth in Karanlik Kilisse in Cappadocia (mid eleventh century) (E. Dauterman Maguire and H. Maguire, *Other Icons: Art and Power in Byzantine Secular Culture* (Princeton/Oxford, 2007), 100–1, fig. 91 and 92). Barbara Zeitler, 'Ostentatio genitalium: Displays of nudity in Byzantium', in Liz James, ed., *Desire and Denial in Byzantium, Papers from the Thirty-first Spring Symposium of Byzantine Studies, University of Sussex, Brighton, March 1997*(Ashgate, Variorum 1999), 193–4, refers to the missing member of baptised Christ after Iconoclasm. T. Mathews, *The Clash of Gods: A Reinterpretation of Early Christian Art* (Princeton, 1993), 115–41 discussed exhaustively the sexuality of Christ in the Early Christian Art, and argued that the look of Christ reflects the polymorphic changeability shared by Gnostic and Orthodox writers.

[46] Henry Maguire, *Art and Eloquence in Byzantium* (Princeton, 1981), 102 noted that the image of the mother with her son's body lying on her lap must have been inspired by the literary antithesis between the embraces that Mary gave her son as an infant and as a dead man: '*ἐμαῖς ἀγκάλαις ἐπωδύνως ἐντέθεικεν*' (placed you painfully in my arms) (*PG* 114, 216).

[47] D. Pallas, 'Ai aistetikai ideai ton Byzantinon pro tes Aloseos (1453)', *Epeteris Etaireias Byzantinon Spoudon* 34 (1965) 316–8. J. Beckwith, *The Art of Constantinople* (London, 1961), 68.

[48] See other examples Ch. Bakirtzis, *Byzantina Tsoukalolagena* (Athens, 1989), 114 (Gospel Book in the National Library of St Petersbourg Gr. 2, ninth century, Gospel Book of Great Lavra in Mount Athos A76, fourteenth century).

[49] P.A.Underwood, *The Kariye Djami,* I (New York, 1966), 119.

and 'creative divine power' of the miracle.[50] The artist in Thessaloniki renders this view in a dramatic way, approaching the miracle with no preconceptions.

How is it possible for Paul, who did not know Mary, to be present at her Dormition? And yet, in the Church of Christ in Verria (1305/6), the Apostle of the Gentiles is depicted by the painter Georgios Kallierges but not in the same way as the other disciples there. Instead, he is bending over and reverencing the feet of our Most Holy Lady, as was proper. As an indication of the fact that he never knew her, he has a painful scar in the place of his eye.[51]

In scenes of the Nativity, how is it possible for the cave to take up two-thirds of the rocky mountain, for the shepherds conversing with the angel to be larger than the horses of the Magi and for Christ to be a newborn babe lying swaddled at his mother's side and, at the same time, to be out in the open, enjoying his first bath and being cuddled protectively by the midwife?

What wind on the Mount of Olives in Aghia Sophia (dome mosaic, ninth century) in Thessaloniki ruffles half the leaves of the olive trees towards their silver side and the other half to their green side? Basileios Kyriazopoulos, Professor of Meteorology at the University of Thessaloniki, argued that the windblown acanthus leaves of the marble capitals in the same church are bending under the influence of a cyclonic wind.[52] A similar chromatic differentiation can be observed in the mosaic on a western window in the basilica of Saint Demetrios, in Thessaloniki. The mosaic (fifth/sixth century) depicts a screen with imbricated apertures through which flying tulips can be seen. The leaves of the tulip flowers which are turned toward the spiritual space of the interior of the church are golden, whereas those that are turned towards the outside world and the sunset are in red shadow.

How is it possible for the head of the horse bearing Saint George (early thirteenth century) in the narthex of Asinou in Cyprus to be at the same time full face and in profile? How is it possible in the midst of the whirlwind and the turbulence of the sea that Saint Nicholas is standing upright, steadfast, his vestments not even slightly ruffled, while the ship he is steering cuts through the sea with billowing sails?[53]

In the Anastasis, safety bolts (iron bars) of one two-leaved wooden door are depicted; only one would fit into the slot next to the box-shaped lock. The painter chose simple types of bolts and locks, similar to those he himself would have used in his everyday life, even though he must have known that keys of this sort could

[50] *PG* 140, 1452–3.

[51] Styl. Pelekanidis, *Kallierges, oles Thessalias aristos zografos* (Athens, 1994), 71, described Paul with closed eyes.

[52] B. Kyriazopoulos, 'Micrometeorological Phenomenon in Byzantine Decoration', S. Kyriakides, A. Xyngopoulos, P. Zepos, eds, *Pepragmena tou 9ou Diethnous Byzantinologikou Synedriou, Thessaloniki, 12–19 Apriliou 1953* (Thessaloniki, 1955), 218–26.

[53] K. Konstantinidou, 'The History of Saint Nikolaos', in *Ayios Nikolaos Orphanos*, 106.

not be used with absolute confidence when entering or exiting through the gates of Hell.[54]

In the Agony in the Garden and Christ's Meeting with the Myrrh-bearing Women, low-lying vegetation grows under the trees and the landscape resembles an olive grove: the texture and the movement caused by the wind recall a species akin to madwort (*alyssum saxatile*). The tree on the right of the window resembles a species of juniper, while the trees on the left have the shape, especially the trunk, of an olive tree. Not all the plants are realistic depictions. In this way of *mimesis*, they never blossom, never bear fruit or wither, but remain forever as they are depicted.[55] Henry Maguire has noted that when Choricius describes 'trees bearing fruit, blossoming in all seasons alike' in the sixth-century Church of Sergius in Gaza, he has in mind Homer in the Odyssey (vii, 117–8), referring to the orchard of the mythical palace of Alkinous, where 'the fruit perishes not nor fails in winter nor in summer, but lasts throughout the year'.[56]

The scene of the Betrayal of Judas is not lit with lanterns and torches. The source of light is at the top right and outside the scene. The faces of the band of men around Christ are dark (1 lx), while those farther off are brighter (5 lx). The Lord's halo radiates (20 lx), while Judas' face kissing Christ is brightly lit (2 lx).[57]

There is only one answer to these questions. All this is because the objects and persons are connected to the figures of saints and to divine events, they are affected by them and are depicted by imitation, as components of the same vision. Imitation? What imitation? 'The actual image is one thing and the imitation another', Photius says. 'Whenever anything is depicted by imitation, it is the hypostasis (substantive existence) which is portrayed, not the very nature.[58]

Impelled by what authority of mimesis does the painter of the bodies in the Deposition from the Cross and the Lamentation (1312) in the exonarthex of the katholikon of the Monastery of Vatopedi arrive at the expressionistic point of self-deprecation by destroying the human appearance of the bodies?[59] The style of depiction in distorting mirrors was taken to far-away Russia by Theophanes the

[54] S. Tzevreni, 'The Metal Parts of the Wooden Household Effects', in *Ayios Nikolaos Orphanos* 124.

[55] O-M. Bakirtzi, 'Plants and Vegetation', in *Ayios Nikolaos Orphanos*, 130–3, and *Iconostasion, Bulletin of Iconology Research Centre of Chrysorroyiatissa monastery, Cyprus2 June 2012*, 39–40.

[56] Henry Maguire, *Earth and Ocean: The Terrestrial World in Early Byzantine Art* (The Pennsylvania State University 1987), 7.

[57] I. Iliades, 'Light and Climatic Conditions', in *Ayios Nikolaos Orphanos*, 138, and *Iconostasion, Bulletin of Iconology Research Centre of Chrysorroyiatissa monastery, Cyprus 2 June 2012*, 38.

[58] Pallas, 'Ai aisthetikai', 316–8. Th. Papazotos, *Ta pathe tes psyches kai he byzantine zografike ste Makedonia* (Athens, 1994), 16.

[59] E. Tsigaridas, 'The Mosaics and the Byzantine Wall Paintings', in *The Holy and Great Monastery of Vatopedi,* I (Mount Athos, 1998), 271, fig. in pages 264–7.

Greek.[60] But the three icons of the Deesis on the iconostasis in the tsar's chapel in the Kremlin, from the brush of the same painter, in an entirely Byzantine style, can be understood only as based on the authority of nostalgia for Constantinople. His pupil, Andrej Rubliev, attempted to replace this authority of nostalgia of his master's with the authority of mimesis.

I have the highest regard for Count Heracleianus, who, in the mid fourth century was disparaging about his own knowledge of authority, confessing on his tomb that he had the hope of faith, which Christ had bestowed upon him.[61]

> Ἡρακλ(ε)ιανοῦ κόμητος
> πιστοτάτου τόδε σῆμα
> φωτός μουσοπόλοιο τετιμημέ
> νον Αὐσωνίοισιν ὄφρα
> καὶ ἐσσομένοισι μετ᾽ ἀ(ν)
> δρᾶσι κῦδος ἄρηται.
> Δεὶς (ε)ἴκοσι λυκάβαντας
> διανύσας μετὰ μόχθων
> εὕδω πολλὰ μογήσας
> κατ᾽ ἦμάρ τέ και κατὰ νύκτας
> τρία λιπὼν φυτὰ καὶ γλυκε
> ρὸν φάος ἠέλοιο,
> Ἄιδη με προΐαψαν ἔνθα
> γενεὴ ἐστί νεκύων.
> Πίστεως ἐλπίδα ἔχων
> ἥν μοι Χρισ(τὸς) ἐγγυάλιξεν.

> (Here lies most faithful Count Heracleianus, a cultured man, thus honoured by the Ausonians (Philippians) that he might find fame among those who follow. Twice twenty times have I followed the course of the sun. I now take my rest, having laboured day and night. I leave behind me three striplings and the sweet light of the sun (wife). Early I'm sent to Hades, to the kinship of the dead. I have the hope of faith, which Christ bestowed upon me).

I ask what kind of knowledge of authority imbued that fine fellow who, in the face of enemies determined to fight to the death and in the midst of deadly warfare, rejoiced in the beauty of life? He lived in beautiful palaces with gardens, rippling streams and the sweet warble of birdsong, enjoying friendship, his family and love. I am speaking of Digenis Akritas.

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[60] In Russia from 1378 at the latest, until at least 1405.

[61] The funeral marble inscription is found in Philippi, south-east of the cemeterial, extra muros, early Christian basilica.

1	Κρότοι καὶ κτύποι καὶ ἀπειλαὶ μὴ σὲ καταπτοήσουν
2	Μὴ φοβηθῇς τὸν θάνατον …
1623	καὶ εἰς τόπον ὑπολίβαδον ἦτον πολὺς δενδριώνας
1624	καὶ γύρωθεν ἐστέκασιν ὡραῖα κατάσκια δένδρη
1625	καὶ ὕδατα πανώραια ἐκ τὰ ὄρη κατεβαίνουν …
1650	Ἐποίησεν καὶ ἀνώγαιον, αὐλὴν καὶ ὑπερῶον
1653	λέοντας, πάρδους καὶ ἀετούς, πέρδικας καὶ νεράδας
1654–1655	καὶ χύνουν ἐκ τοῦ στόματος ... ὕδωρ μεμυρισμένον
1658	κ᾽ ἔχουν ὡραίους ψιττακοὺς καὶ κιλαδοῦν καὶ λέγουν
1659	'Χαίρου, Ἀκρίτη, χαίρου μετὰ τῆς ποθητῆς σου'.[62]

(Do not be put off by noise and blows and threats
Do not fear death …
And in a place near a meadow, there was a large coppice
and all around stood beautiful shady trees
where waters most wonderful descended from the mountains.
He also made an upper room, a courtyard and an upper storey
lions, leopards and eagles, partridges and aquatic birds,
and from their mouths they pour perfumed water
and they have beautiful parrots that sing and say
'Hail, Akrites, hail with your beloved').

It is, therefore, a great pleasure for me today, in honour of Judith Herrin, an outstanding Byzantinologist and friend, to share some thoughts of mine on the approach to Byzantium, which question the authority of knowledge in the name of the authority of mimesis.

Μίμησίς τε καὶ ζήλωσις (Ἀνωνύμου, Περὶ ὕψους)
Imitation and Emulation (Anonymous, On the Sublime)

[62] Stylianos Alexiou, *Basileios Digenes Akrites kai ta asmata tou Armoure kai tou Andronikou* (Athens 1990).

16

On Whose Authority? Regulating Medical Practice in the Twelfth and Early Thirteenth Centuries

Dionysios Stathakopoulos

Regulations are supposed to facilitate practice; they do so mostly by limiting, forbidding and excluding. States were always interested in controlling the practices of their subjects by regulating most aspects of the latter's' lives. But their long arm did not always reach as far, nor was its grip as absolute. Obviously, there are parts of the human condition that were deemed particularly vital for human existence and well-being and as such were regulated as a matter of priority. Since the bodies of free citizens were crucial to pre-modern economies – the male bodies for farming the land and defending a state's territories, the female bodies for procreation – it follows that their protection from injury, such as with regulations against aggression or murder, their sustenance, protected by regulations on the availability of foodstuffs and access to them, and their health, expressed in regulations in favour of those who could look after them and against those who could harm them, were essential to their respective societies. It is this third aspect that I would like to explore here in a modestly transcultural way: when, by whom and why were the quantity and quality of healers regulated to which a specific population had access. As I hope to show, the period from the mid twelfth century onwards was particularly important for this topic.

I will begin in the society I am most familiar with. In 1140 the patriarch Leo Stypes (1134–43) convened a synod in Constantinople to (posthumously) condemn the writings of a lay preacher, Constantine Chrysomallos.[1] Chrysomallos' writings were linked to the Bogomils, were duly anathematised and burned. Scholars have drawn attention to the fact that his texts are in fact quite close to those by the celebrated mystic Symeon the New Theologian (949–1022), so much so that some of the texts attributed to Symeon may in fact have been written by Constantine.[2]

[1] Mansi XXI 552–60.

[2] Jean Gouillard, 'Constantin Chrysomallos sous le masque de Syméon le nouveau Théologien', *Travaux et Mémoires* 5 (1973), 313–27; Jean Gouillard, 'Le procès officiel de Jean l'Italien. Les actes et leurs sous-entendus', *Travaux et Mémoires* 9 (1985), 133–74; M. Angold, *Church and Society in Byzantium under the Comneni, 1081–1261* (Cambridge, 1995), 487–90; P. Magdalino, *The Empire of Manuel I Komnenos* (Cambridge, 1993), 276.

Chrysomallos' main error lay in the fact that he was a lay preacher; ever since the trial of the Bogomil leader Basil around 1100 and the institution of an order of preachers in 1107, who were to act as a thought police keeping the spread of heresy in check,[3] persons who 'have taken upon themselves of their own initiative to teach others'[4] (even more so if they acted outside the Church) were not tolerated. It is in this context that the synodal text makes an analogy:

> To carry out his profession of caring for the body, to apply remedies to sick bodies, this is not the task for anyone, so to speak; and it is not enough simply to claim it, or only to wish it. But it pertains only to him whom education in medicine has initiated, who in his turn has received and sustained a long experience, and to whom the Proexarchon of medical science, after having first examined (προεξετάσας) him like a Lydian rock, and having recognised him as genuine (οὐκ ἀδόκιμον), has awarded the sign (σύμβολον) of his approval.[5]

Four steps are outlined in the procedure of medical approbation: a physician must be instructed in medicine, followed by a long period of practical experience, leading to the successful undergoing of an examination before the supreme master of the medical science (the president of a medical guild, a senior physician or *archiatros*?[6]) and finally to have obtained the symbol (a diploma? a token?) conferring upon him the right to be called a physician and to exercise medicine professionally. The licensing authority rests with the physician's peers. Notions of education and experience are key to the document. They are not without precedent in Roman legal texts. Julian issued the following law in 362:

> Teachers and sages should first excel in their morals, next in wisdom. But since I cannot personally be present in every city, I order that if anyone wants to teach, he shall not engage in such a work suddenly or rashly, but with the approval of the local senate, in the form of a decree, by and with the consent of the other teachers.[7]

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3 See: P. Magdalino, 'The reform edict of 1107', in M. Mullett and D. Smythe, eds, *Alexios I Komnenos, I: Papers* (Belfast, 1996), 199–218.

4 Partial translation of the text in J. and B. Hamilton, eds, *Christian Dualist Heresies in the Byzantine World c.650–c.1405* (Manchester, 1998), here 212.

5 Mansi XXI 552; Translation, J.M. Powell, 'Greco-Arabic Influences on the Public Health Legislation in the Constitutions of Melfi (1231)', *Archivio Storico Pugliese* 31 (1978), 85. The same, according to the document, must apply to the care of the souls.

6 P. Horden, 'How Medicalised were Byzantine Hospitals', *Medicina e Storia* 10 (2005), 67.

7 CJ 10.53.7 = CTh 13.3.5. Translation: F.H. Blume, *Annotated Justinian Code*, second edn by T. Kearley (Wyoming, 2009), (hereafter Blume), consulted online at http://uwacadweb.uwyo.edu/blume&justinian/Code%20Revisions/Book10rev%20copy/Book10–53rev.pdf.

The licensing role of the councils ultimately goes back to an opinion by Ulpian (preserved in the *Digest* 50.9.1):

> It is not in the discretion of the Governor of a province to determine the number of physicians to be appointed for each town, but this is the duty of the Order of Decurions and those who possess property therein, in order that, in cases of bodily illness, they may commit themselves and their children to the care of persons selected by themselves, and of whose probity and skill in their profession they are assured.[8]

And in the same collection (*Digest* 50.4.11.3) we read:

> The divine Antoninus and his father stated in a rescript that although a physician may already have been approved, he can be rejected by the municipality.[9]

We also encounter the guild of physicians serving as a licensing body of sorts, at least for the *archiatri*:

> If someone, meriting promotion, is to be subrogated to the place of a deceased chief physician, he shall not be made a member (of that guild) until he is approved as a suitable person by the judgement of seven or more members of the order …[10]

The notion of inexperience or ignorance (ἀπειρία), equalled already by Gaius (around 161 CE) to negligence (= Institutiones 4.3.7 = *Digest* 50.17.132 = *Basilica* 2.3.132), with repercussions for medical malpractice, regularly forms part of the legislation on medical practitioners. Experience and knowledge were equally demanded of those wishing to become notaries; their licensing was in the hands of the president and senior members of the guild and controlled by the Eparch of Constantinople.[11] Finally, there is also a possible precedent for the grant of a diploma (if one wishes to see the synodal *σύμβολον* as such): students of the law in eleventh-century Constantinople were examined and their dexterity attested orally and in writing.[12] As such, most if not all of the elements included in the synodal text have precedents in Byzantine regulations of professional practice, although, admittedly, not all in medical practice. If we are to see the synodal text as reflecting norms for practice (and I would tend not to see it that way) it certainly represents an innovation. After the Justinianic codification of Roman law, Byzantine legislation

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[8] Translation: S.P. Scott, *The Civil Law* (Cincinnati, 1932), vol. 11, 243.

[9] Translation: Scott, 224.

[10] CJ 10.53.10 = CTh 13.3.9 (dated to March 370).

[11] J. Koder, *Das Eparchenbuch Leons des Weisen*, CFHB 33, Vienna, 1991), 1.1–26.

[12] A. Salac, *Novella Constitutio Saec. XI Medii* a Ioanne Mauropode conscripta a Constantino IX Monomacho promulgata, *Textus Breves Graeci et Latini* 1.20 (Prague, 1954), 31; also N. Oikonomides, 'The 'Peira' of Eustathios Rhomaios', in D. Simon, ed., *Fontes Minores VII*, Forschungen zur byzantinischen Rechtsgeschichte 14 (Frankfurt, 1986) 190.

on physicians and their practice tended to be antiquarian. The *Basilica*, for example, reproduce laws from the Justinianic corpus whose stipulations refer to long-gone institutions such as city councils, and exemptions from liturgies.[13]

V. Grumel, who first drew attention to the synodal text as an outline of the regulation of medical practice in twelfth-century Byzantium,[14] made the connection between the text and the establishment of the most famous of Byzantine hospitals, the Pantokrator xenon, founded by John II Komnenos (during whose reign the above synod took place), but did not explore this any further.[15] This was done in detail by T. Miller, who saw direct analogies between the synodal text and the stipulations on the teaching of medicine at the Pantokrator. The passage to which he refers in the typikon of the Pantokrator simply states:

> We also prescribe that there should be a teacher (διδάσκαλος) to teach the principles of medical knowledge … that he may attend to the task of teaching and teach the student doctors of the hospital the knowledge of medicine in a consistent and zealous manner.[16]

Miller makes rather more out of it: he sees the διδάσκαλος at Pantokrator teaching to apprentices, who represent the first stage of Stypes' programme; the extra doctors attested at the hospital were gathering practical experience therein and represent the second stage; those of them selected to serve in the monastic infirmary and the outpatient clinic of the Pantokrator had, pace Miller, perhaps 'to prove their abilities at this stage by passing an exam … before they could assume a permanent post'; although he admits that the Pantokrator typikon includes no such information, Miller concludes by stating that 'it is tempting to suppose that the promotional system at the Pantokrator was linked in some way to the educational plan which Patriarch Stypes … outlined'.[17]' This is a daring conjecture, but one that must be taken seriously, as it is made by a scholar who has focused much of his research on Byzantine hospitals, albeit not without attracting serious criticism for his, at times, rather optimistic views on the quantity and quality of such institutions.[18] There is one later additional piece of evidence that seems to

13 *Basilica* 38.1.6; 54.14.1.

14 V. Grumel, 'La professsion médicale a Byzance a l'époque des Comnènes', *REB* 7 (1949), 42–6.

15 On the vast bibliography on the Pantokrator it will suffice to refer to Horden, 'How medicalized' which contains and discusses critically previous scholarship on the subject.

16 P. Gautier, 'Le typikon du Christ Sauveur Pantocrator', *REB* 32 (1974), 107; translation in J. Ph. Thomas and A. Constantinides Hero, eds, *Byzantine Monastic Foundation Documents* (*BMFD*): *A Complete Translation of the Surviving Founders' Typika and Testaments* (Washington, DC, 2001), 765.

17 T.S. Miller, *The Birth of the Hospital in the Byzantine Empire* (2nd edn Baltimore, 1997), 159.

18 See the review by V. Nutton in *Medical History* 30 (1986), 218–21; I have borrowed the term 'optimist' from Horden, 'How medicalised', 46.

support the existence of a system of medical regulation, though certainly not as complex or sophisticated as the one described above. George Lakapenos wrote a letter from Thessalonica to his friend John Zacharias, the future aktuarios and the last important medical author of Byzantium dated to the fall of 1299. Lakapenos was writing to Zacharias, who was living with his family in Constantinople but was probably considering moving to Thessalonica. Lakapenos urges him to reconsider and uses the following arguments: Zacharias was currently studying medicine in Constantinople, going every day to a phrontisterion (*φροντιστήριον*) to practise (the word used is, appropriately, *γυμνάζων*); however, he had not finished his education – if he left, he would not reach the summit of his art and he would not acquire the kyregmata (κυρήγματα).[19] A number of textual points need to be clarified. Phrontisterion is a word that can signify a school, a charitable institution, but more often than not a monastery and especially a monk's cell.[20] Accordingly, Zacharias could have been studying medicine either in a secular or in a monastic context. A Constantinopolitan xenon would have been a plausible place to study and practise medicine for a young physician. As far as κυρήγματα are concerned, the meaning alluded to in the letter suggests that they signalled the successful termination of a medical education (if Zacharias interrupts his studies and medical practice he will not acquire them) – possibly similar to if not identical with the σύμβολον mentioned by the synodal text.

The lack of evidence makes Miller's hypothesis difficult to support; nevertheless an argument from silence cannot be helpful. P. Horden sees the analogy between medical healing and pastoral care expressed in the synodal text as forced, although he concedes that it may suggest that a senior figure in the medical profession somehow acknowledged professional standing.[21] At present it seems to me pointless to argue about the actual practice, that is about whether medical practice was indeed regulated in the way described above. But the synodal text is a historical testimony of the existence of at least such a concept and I believe it may prove more fruitful to continue the enquiry in this way. I propose to explore intentions rather than practices and by doing so to question the structures that underlie the regulation of medical practice in this formative period. It will hopefully become apparent that different states chose to express their authority in a variety of ways. Though superficially similar (and often treated as such under the general category of the regulation of medical practice), a closer look reveals important structural

[19] Edition of the letter: S. Lindstam, *Georgii Lacapeni et Andronici Zaridae Epistulae XXXII cum Epimerismis Lacapeni* (Göteborg, 1924), 80–2, Ep. 10. For my analysis I am following the arguments of A. Holweg, 'Johannes Aktuarios: Leben – Bildung und Ausbildung – *De methodo medendi*', *BZ* 76 (1983), 306–8. See also St.I. Kourouses, 'O ακτουάριος Ιωάννης Ζαχαρίας παραλήπτης της επιστολής ι' του Γεωργίου Λακαπηνού', *Athena* 78 (1980–82), 237–76.

[20] See Lampe 1491 and evidence from a search of the term in the *TLG*.

[21] Horden, 'How medicalised', 67.

differences that are helpful when reflecting on the way states understand and express their authority.

It is remarkable that around the same time as the Constantinopolitan synod a text with a comparable scope was promulgated in the Mediterranean. I am referring to a law in the Assizes of King Roger II of Sicily (promulgated in or around the year 1140).[22] It is worth citing in full:

> **Constitution 36, About Those Wishing to Become Physicians**
> Whoever in the future desires to become a physician (*mederi voluerit*) should present himself to our officials and judges, for an examination according to their judgement (*eorum iudicio discutiendum*). But if he should rashly take this for granted, let him be consigned to prison and all his property confiscated. For this had been arranged so that subjects of our kingdom shall not be put at risk through physicians' inexperience (*imperitia medicorum*).[23]

Contrary to the passage in the synodal act, this is a normative text. There is a common point on the condemnation of inexperience, but Roger's law is groundbreaking in a number of ways. First of all, the licensing authority is the state through its officials, and not regional councils, a medical guild or other physicians. Second, the penalties for those who do not comply are particularly severe.

A substantial part of the Assizes is indebted to Roman law; in fact they probably reflect the use of Justinianic law independent of the slightly later academic rediscovery of the Bologna university jurists.[24] An effort to trace the possible Roman substrate of the above law has produced only meagre results. H. Dilcher suggests the following models: D 50.9.1, D 50.4.11.3 and CJ 10.53.10 already discussed above.[25]

The similarities are, at most, basic. The Roman laws indicate that the city councils have the power to approve or reject medical practitioners – not the central government as in Roger's case. As for the college of *archiatri* mentioned in the CJ who seem to fulfil a similar function, V. Nutton has clearly shown that they

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22 H. Houben, *Roger II of Sicily: A Ruler between East and West* (Cambridge, 2002), 135–47.

23 Edition: G.M. Monti, 'Il testo e la storia esterna delle Assize Normanne', in idem, *Lo stato Normanno Svevo, Lineamenti e ricerche* (Trani, 1945), 151–2; translation: G.A. Loud, 'The Laws of King Roger II (c.1140s), in K.L. Jansen, Joanna Drell and Frances Andrews, eds, *Medieval Italy* (Philadelphia, 2009), 185.

24 Houben, Roger II, 141–2; on the dating of the text see also R. Pennington, 'The Birth of the Ius commune: King Roger II's Legislation', *Rivista internazionale del diritto comune* 17 (2006); I have consulted an online version of the text with amendments by the author at http://faculty.cua.edu/pennington/Law508/NormansPalermoRIDC.htm

25 H. Dilcher, *Die sizilische Gesetzgebung Kaiser Friedrichs II: Quellen der Constitutionen von Melfi und ihrer Novellen*, Studien und Quellen zur Welt Kaiser Friedrichs II. 3 (Cologne, 1975)', 681–2. As Roger's law was inserted verbatim in the legislation of Frederick II in 1231, discussed below, Dilcher has looked into the sources of the former as well.

were restricted to the city of Rome (and possibly Constantinople); furthermore, this college consisted of professionals of the highest status 'and there is nothing to suggest that that the college played any part in determining who was to practise medicine in Rome'.[26] Dilcher also draws attention to the question of inexperience of physicians, the defence against which is at the heart of Roger's law. Here he sees parallels with *Digest* 1.18.6.7 (again, an opinion going back to Ulpian):

> The event of death should not be imputed to a physician, but it is also a fact that he is responsible for anything caused by his lack of skill; for a wrong committed by a person who gives bad advice in a dangerous emergency should not be imputed to human frailty and be considered blameless.[27]

Furthermore, Dilcher also brings into the discussion the above-mentioned section of the *Lex Aquilia*, wherein inexperience is equalled to negligence. The legislator's interest in safeguarding patients from inexperienced practitioners is indeed a common impulse in both the Roman evidence and the Assize. The search for possible sources of Roger's legislation brought some scholars to look for Byzantine influences. After all, Sicily and Southern Italy had been part of the Byzantine world for centuries, while significant Greek-speaking communities continued to exist on the island. It is noteworthy that up to the end of Roger II's reign the majority of royal documents were issued in Greek – judging at least from the surviving charters.[28] Furthermore, Roger, we are told by a text written about a generation after his death, 'also made every effort to find out about the customs of other kings and peoples, in order to adopt any of them that seemed particularly admirable or useful.[29]' It is probably in this light that J.M. Powell saw 'the presence of direct Byzantine influence' on Assize 36.[30] He sees Roger's constitution as 'strikingly' corresponding to the synodal text of 1140 and the practices it describes (barring from practice of inexperienced practitioners, requirement for a state examination and the conferring of some kind of licence).[31] First of all, as the texts were promulgated at roughly the same time there can be no possibility of a direct influence: there is no need to imagine that a synodal text from Constantinople

[26] V. Nutton, 'Continuity or Rediscovery? The City Physician in Classical Antiquity and Mediaeval Italy', in Andrew W. Russell, ed., *The Town and State Physician in Europe from the Middle Ages to the Enlightenment* (Wolfenbüttel, 1961), 19–20; quote on p. 20.

[27] Translation Scott, vol. 2, 258.

[28] G.A. Loud, 'The Chancery and Charters of the Kings of Sicily (1130–1212)', *English Historical Review* CXXIV No. 509 (2009), 780–1.

[29] Pseudo-Hugo Falcandus = *La Historia o Liber de Regno Sicilie e la epistola ad Petrum Panormitane ecclesie thesaurarium di Ugo Falcando*, ed. G.B. Siracusa (Rome, 1897), 6; translation: *The History of the Tyrants of Sicily by 'Hugo Falcandus' 1154–1169*, translated and annotated by G.A. Loud and T. Wiedemann (Manchester, 1998), 58.

[30] Powell, 'Greco-Arabic Influences', 84.

[31] Powell, 'Greco-Arabic influences', 86.

concerned with the condemnation of dissident practices would have been known outside the empire. Indirect influence could only be postulated if what the synodal text describes in terms of medical practice could be linked to older regulations of which it would be a reflection (and hence the influence would have derived from them rather than the text itself). As discussed above, however, this is not the case. There is no evidence to suggest that such a regulation of medical practice existed in Byzantium before the mention in the synodal text. Moreover, the existing, scattered stipulations on the regulation of medical practice in Roman law (the most important of which have been discussed above) as well as those described in the synodal text differ substantially from Roger's law. The fundamental difference lies in the bodies who control the regulation of medical practice. Roman law clearly delegates this authority to local city councils or, in the case of the *archiatri*, to a body of peers. The synodal text equally alludes to regulation by peers, and as it is not a normative text, includes no stipulations on how the regulations were meant to be enforced. Roger's constitution, however, operates in a different way: first it gives the 'licensing' authority to the centralised government: it is ultimately the king (though delegated through his officials and judges) who has the power to control physicians and pronounce on their right to practise. Second, through particularly harsh punishments (unprecedented in Roman law) he clearly displays the seriousness with which he would have this regulation enacted. In my mind, these are instances of genuine innovation. First of all they suggest the creation of a consistent system of regulation, contrary to the variety of approaches that were implicit by having each city council decide on the physicians within its reach and expectedly using different criteria to do so (although this is pure conjuncture; we have no evidence on how such decisions were made). What follows is the introduction of a sense of accountability, provided that we may assume that the central government would have briefed its officials on how to judge physicians and that, at least for the duration of one ruler's reign, these criteria would have been stable. Connected to this procedure is the emergence of a proto-bureaucracy in the modern sense through the division of labour and the enhanced position of specialist knowledge. This would be manifest in two ways: both in the development and deployment of the officials who would judge the physicians according to the royal fiat as well as the emergence of a group of physicians, who having been judged by the above institution and found worthy of practice, would form a group bound together by a coherence that ultimately rests on the state's authority, perhaps regardless of peer control.[32]

It would take almost a century for a new bout of legislation on medical practice to be promulgated. Remarkably, the laws come again from Sicily. They are the code of law of Frederick II, the co-called Constitutions of Melfi, dated to 1231. This

[32] I am following Max Weber's line of thought on the emergence of bureaucracies. It is noteworthy that he saw the Norman states as leaders in this process: 'Politics as Vocation', in *Complete Writings on Academic and Political Vocations*, ed. with an introduction by J. Dreijmanis, translation by G.C. Wells (New York, 2008), 155–207, esp. 165–7.

is a much longer collection and it includes four laws regarding medical practice. In the first instance, III 44, we have the adoption of the Assize 36 of Roger II included verbatim in the text.[33] The following constitution, III 45, elaborates on and modifies Roger's law while keeping the emphasis on the protection against the inexperience of physicians and the same harsh penalties for those who trespass against it:

> We order that, in the future, no one may dare otherwise to practise or to heal, pretending the title of physician, unless he has first been approved in a convened public examination by the Masters of Salerno. The person appointed should approach our presence with testimonial letters concerning his trustworthiness and sufficient knowledge both from the masters and from those appointed by us, or, when we are absent, he should approach the presence of the person who remains in our place, and he should obtain the licence for healing from us or him.[34]

The examination by the Masters of Salerno must be seen as an innovative trait of Frederick's legislation, despite efforts to see in it parallels with the licensing of lawyers in Roman law, as pointed out by Andreas de Isernia in the thirteenth century, and which are in fact so shaky that the main authority on the text's sources, H. Dilcher, refused to look into them in detail.[35]

The medical school at Salerno began its activities by the late tenth century and became a centre for medical education, gradually developing away from mere practical issues to include theoretical debate with Greek and Arabic medical texts in the twelfth century.[36] Masters from Salerno are to act as examiners for physicians in the presence of royal officials; the licensing authority is maintained by the king or his representatives. This does not depart significantly from Roger's legislation, placing the ultimate authority in the hands of the state, but it reflects practices among nascent universities (such as Bologna and Paris from around 1220) which conferred degrees after an examination by university teachers.[37] Our attention should furthermore be drawn to the fact that the Masters of Salerno should attest not only a physician's proficiency in medical matters, but also comment on his trustworthiness by providing *litteris de fide*, a fact which underlines the political side of the regulation of medical practice. Royal permits of practice from the period

[33] W. Stürner, *Die Konstitutionen Friedrichs II. für das Königreich Sizilien*, MGH Constitutiones et Acta Publica Imperatorum et Regum, Supplement 2 (Hannover, 1996), 411–12.

[34] Stürner, 412–13; translation: J.M. Powell, *Liber Augustalis or Constitutions of Melfi, Promulgated by Frederick II in 1231* (New York, 1971), 131.

[35] Dilcher, *Gesetzgebung*, 683.

[36] P.O. Kristeller, 'The School of Salerno', *Bulletin of the History of Medicine* 17 (1945), 145–71.

[37] Kristeller, 'Salerno', 172.

have been preserved in the form of letters to officials in a specific city or region in which the licence to practise was seemingly limited.[38]

Further constitutions by Frederick II regulate medical teaching (with distant echoes of late antique practice in Alexandria[39]) privileging the medical school at Salerno (Constitution III 46, dated to 1240), the production of drugs and further stipulations on the teaching of medicine at Salerno (III 47).[40] In the latter the right to teach medicine is equally regulated in a similar way as the practice of medicine: examination by the Masters of Salerno in the presence of royal officials – the king does not need to issue a licence for this.

The last piece of legislation I would like to introduce to the discussion is contemporary to Frederick's constitutions. It is included in the *Assizes de la Cour des Bourgeois*, the laws of the Crusader Kingdom of Jerusalem, dating from the early 1240s. In chapter 233, a collection of laws regulating physic, we read:

> Besides, no foreign doctor, that is one coming from Outremer or pagan lands, should practise as a urine doctor until he has been examined by other doctors, the best in the land, in the presence of the bishop of the place wherein this is to be done. If it is recognised that he can correctly practise medicine, the bishop will give him a licence to treat in that particular town where he will see, from the bishop's letter which he will have as testimony, that doctors are proven and rightly treat by means of urine.[41]

We can observe some already familiar traits as the examination by peers and the issue of a licence for practice that is limited to a specific place, but also some differences. The licensing authority does not rest with the secular state and its representatives, as in all previous cases, but is vested in the bishops. In my mind, this seems to reflect practice in France. The bishop of Maguelone (overseeing the city of Montpellier with its important medical faculty), for example, was to be the licensing authority for those wishing to teach medicine, after their examination, as stated in a document dated to 1220.[42] In Paris, the university was under the jurisdiction of the Church; the licence to teach was conferred by the city's bishop.[43]

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[38] See Kristeller, 'Salerno', 172, n. 119.

[39] I am thinking of the prescribed three-year study of logic (III 46, 413 lines 16–17); for the late antique evidence see M. Roueché, 'Did medical students study philosophy in Alexandria?', *Bulletin of the Institute of Classical Studies* 43 (1999), 153–69.

[40] Stürner, 413–15.

[41] *Les Livres des Assizes et des Usages dou Reaume de Jerusalem sive Leges et Instituta Regni Hieroslymitani*, ed. E.H. Kausler (Stuttgart, 1839), I doc. 233; translation by V. Nutton, in P.D. Mitchell, ed., *Medicine in the Crusades: Warfare, Wounds and the Medieval Surgeon* (Cambridge, 2004), 236.

[42] *Cartulaire de l'Université de Montpellier* (Montpellier, 1890), I 180–3; see P. Kible, 'The Faculty of Medicine at Paris, Charlatanism and Unlicensed Medical Practices in the Later Middle Ages', *Bulletin of the History of Medicine* 27 (1953), 4–5.

[43] L. Liard, *L'Université de Paris* (Paris, 1909), 1–8.

P. Mitchell states that the licensing of physicians was 'not a practice found in Europe prior to the Crusades'[44] and thinks that the medical regulations in the *Assizes de la Cour des Bourgeois* were probably not influenced by European law, but rather by local practices in Syria.[45] On this he produces evidence from the Islamic world and specifically market regulation manuals (hisba), which, among other things, regulated medical practice.[46] Mitchell's argument rests on a number of points that are not directly relevant to the topic of medical licensing and therefore not reprised here; his overall argument is certainly an innovative way to look at the way Crusaders appropriated local customs and is certainly valid. However, when it comes to the specific question of the regulation of medical practice two aspects need to be emphasised. First, that there was sufficient precedent in European law on the subject that could have served as models. Second, that the hisba system was not as universal, continuous and inclusive as he suggests. There seems to be scholarly consensus on the fact that the medical regulation in the Islamic realms was patchy: evidence for the control of physicians' practice is sporadic encompassing a series of one-off events and does not point to a continuous policy, although there is specific evidence in manuals dating from the twelfth century that the muhtasib, the inspector of the market, was supposed to actually conduct examinations of physicians.[47] This would suggest a government official in charge of medical regulation, his authority deriving from his office – reminiscent of Roger's legislation, but quite different from Frederick II's take and completely different from the approach in the *Assizes de la Cour des Bourgeois* as it did not include the examination by peers.

Summing up the evidence we can clearly discern a common theme: the impulse to regulate medical practice re-emerges in the twelfth century after a surge in the (Late) Roman period. Different societies come up with different solutions which

[44] Mitchell, *Medicine*, 222, although he does mention the legislation by Roger II and Frederick II (222, 224).

[45] Mitchell, *Medicine*, 221.

[46] Mitchell, *Medicine*, 222–6. 'Medical licensing in the Latin East appears to have been adopted from the local *hisba* system that was in force when the Franks arrival (sic)', also 231.

[47] P.E. Pormann and E. Savage-Smith, *Medieval Islamic Medicine* (Edinburgh, 2007) 85–8, 109; G. Leiser, 'Medical Education in Islamic Lands from the Seventh to the Fourteenth Century', *Journal of the History of Medicine and Allied Sciences* 38 (1983), 67–75; F. Micheau, 'La formation des médecins arabes au Proche-Orient (X^{e}–XIIIe s.)', in *Les entrées dans la vie*, Annales de l'Est, Nancy 5e série, n°1–2 (Nancy, 1982), 116–17. L.C. Chiarelli, 'A preliminary study on the origins of medical licensing in the medieval Mediterranean, '*Al-Masaq* 10 (1998), 1–11, strongly supports the view of the adoption of medical licensing in Sicily connected to Islamic customs. He indicates that a master of the market was still in place around 1145. Ultimately, this is a question of interpretation. While I do not deny the possible influence of Islamic traditions on Roger's thinking, I do not see a clear causal link between them and the particular piece of legislation. Peregrine Horden alerted me to the existence of Chiarelli's work, for which I would like to express my gratitude.

can perhaps be seen as interpretations of the Roman legal evidence. Roger II's version is the one that breaks most with the past by concentrating authority on the hands of the ruler to the exclusion of regional authorities (who might know local physicians better than those at the distant court) as well as the judgement of peers. This innovative stance did not prevail, perhaps as a result of the growing numbers of university-educated physicians who lobbied for inclusion in what they rightly saw as the regulation of their profession from above. Such developments are not unconnected to the timing of the emergence of such regulations. The demographic and economic expansion of Europe from the mid eleventh century onwards drove the flourishing of cities: a more numerous and more prosperous population required more healers. Their increased presence in the medical marketplace made the regulation of their practice an important task for the authorities. Exclusions and limitations were used as discerning tools that would come to define new professional groups as well as novel approaches to the exercise and extents of state authority.

17

Response

Alexander Murray

I count it a great courtesy to be invited to comment on these three papers; also an act of courage on the organisers' part. We academics get a permanent imprint from the subject of our first postgraduate research, and mine was Pope Gregory VII. Gregory had his own views on authority, far from identical to those held in the Byzantine church. He agreed with the Greeks about most other things. They were his brothers as Christians. When Gregory thought Byzantium was threatened by 'pagan' invaders (he used that word for the Turks, by then Muslim, though Gregory did not know; with peaceful Muslims he was on the best of terms), Gregory had no hesitation in rallying the west to go urgently their aid, in the enterprise which, after much 'mission creep', in later hands and in other circumstances, became known as the crusade.[1] Gregory and his like-minded successors longed for complete unity with their eastern brethren, repeatedly, up to 1439 and beyond, offering them dotted lines to sign on, always with a sad outcome. There were two dotted lines: one, hair's-breadth differences in Trinitarian doctrine comprehensible only to theologians, who discussed it endlessly;[2] but the other, the ultimate sticking point, authority, which for Gregory VII lay finally with the bishop of Rome.

The person you have invited to comment is therefore a heretic. You must not be shocked if I take a 'Roman' view of this trio of papers, and see them in terms of the similarities and differences they illustrate, between the Greek and Latin halves of Christendom. We begin with a similarity, which is to me the message of Dr Stathakopoulos' paper. He compares a total of six secular legislative acts, from east and west, restricting medical practice to persons professionally qualified. His documents are just one more witness to the fact that there are fewer ways of running a viable state than ideologues pretend. A state's first duty was to protect the lives of its citizens. Therefore, inter alia, it must regulate the professions which attend death, either as its cause, or as a necessary attempt to delay it: in other words, it must regulate the judicial and medical professions. The only differences

[1] Gregorii VII *Registrum*, i, 49; ed. R. Caspar, Mon. Germ. Hist., Epist. Sel., ii (Berlin, 1955), 75–6, esp. 75.14–19. Good relations with peaceful Muslims, ibid., iii, 21, 288, esp. lines 11–14.

[2] J. Gill, *The Council of Florence* (Cambridge, 1949), 180–269.

between Dr Stathakopoulos' examples reflect those in state structure. A big empire – the Byzantine – made up of municipalities, will delegate the detailed regulation of medicine to local governments, irrespective of whether the local governments are Muslim or Christian, whether or not run by a religious authority, such as a bishop. In a small polity like Roger II's Sicily, especially one tightly knit, and with a medical guild at hand as at Salerno, regulation will come from the central government, and be backed by its usual full-strength sanctions.

So I do not see any essential difference here between east and west. In fact I see a striking similarity. It touches another kind of difference, shared by the chronology of both. After the fourth-century medical regulations of Julian the Apostate we get nothing until the twelfth century, and then a lot, burgeoning out into the thirteenth century with Frederick II's famous legislation for Sicily. Are we to suppose that people never got ill in the seven centuries in between? There is a mysterious *Abgrund* here. In the east this is Peter Brown's territory, where holy men rivalled or even replaced doctors, with a compound of unlearned charisma, knowledge and experience.[3] In the west, it is Valerie Flint's territory, too, where the GP's role was taken by the local magic-man or *hariolus,* often doubling up (O horrors! See Carolingian legislation on the subject) as priest.[4] In a word, the laws put before us by Dr Stathakopoulos mark not so much any fundamental difference between east and west, but, in both, a coming together of state authority with Galenic medicine. Since this latter had to be studied in books,[5] and study in books demands time and leisure (Greek: *schola*), it makes a claim – as we are all learning painfully these days – on the state's economic resources. For professions deemed to be directly necessary to private persons, namely lawyers and doctors, the claim is best guaranteed by monopoly, which means that village quacks and miracle workers, who learn their trade otherwise than through books, must be banned. We think of this as progress. I wonder. A lot of Galenic medicine is today thought wrong, and more likely to kill a patient than cure him. Who knows whether some holy men or quacks did not sometimes cure people better? The miracle writers thought so of the holy men. But governments, whether or not with an intuition ultimately proved sound, deemed Galenic medicine to be the 'best buy' (it was Greek, after all), and got it paid for – in the name of public interest – by guaranteeing its monopoly.

[3] An example: P. Horden, 'Saints and doctors in the early Byzantine Empire: the case of Theodore of Sykeon', *The Church and Healing.* Studies in Church History, 19 (Oxford, 1982), 1–13.

[4] V.I.J. Flint, *The Rise of Magic in Early Medieval Europe* (Oxford, 1991).

[5] Another paper in the volume cited in n. 3 identifies one illuminating perspective on the shift to Galenic medicine: A.F. Dawtry, 'The *modus medendi* and the Benedictine Order in Anglo-Norman England', *The Church and Healing*, 25–38.

You may sniff here an imprint from Karl Marx, as well as from Gregory VII (whose views on authority were less opposed than is sometimes thought).[6] Whatever the imprint, my impression from Dr Stathakopoulos' paper applies equally in east and west. Where I start seeing differences between the two halves is with Professor Bakirtzis' paper, which collects examples of *mimesis*, imitation of old models, in architecture, art and liturgical practice. All illustrate a degree of continuity that seems almost supernatural. (Only 'seems': the Byzantine continuities are nothing to those in prehistory, like the 7,000 years' worth of Lascaux cave paintings). We have the ever fruitful, ever blossoming trees of the *Odyssey* still the same more than 1,000 years later in a Gaza church. We find devotions to Saint Demetrius, on the eve of the First World War, uncannily similar to those demonstrable nearly 2,000 years earlier. With a continuity that looks forward as well as back, we find Isaac Comnenus providing a lavish repair fund for his church so that its every detail could remain 'the same forever'.

I often find myself thinking about time, and our consciousness of it. I was consequently electrified, as many were, by the hypotheses framed on this subject by A.J. Gurevich, in his *Categories of Medieval Culture*.[7] They included a suggestion that time consciousness differed between eastern and western Christendom. Gurevich drew attention, in particular,[8] to a passage in P.A. Michelis' essay, *An Aesthetic Approach to Byzantine Art* (1946), which finds a different way of ordering biblical themes in eastern and western religious art: in the east, symbolic, in the west, chronological. These are Michelis' own words:

> in the disposition of the scenes of the Passion and the like in the church, Byzantine, unlike Western, art never followed the historic sequence of the events, but described them in various symbolic scenes.[9]

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[6] *Cf.* K. Marx, 'The leading article no. 179 of the *Kölnische Zeitung*', in *Rheinische Zeitung*, July 1842, *Beilage*: 'If ... there is no supreme head of the church, the domination of religion is nothing but the religion of domination, the cult of the will of government'. Reprinted in *Marx and Engels On Religion* (Moscow, Foreign Languages Publishing House, 1955), 36.

[7] (London: Routledge, 1985), esp. 94–151.

[8] P. 140.

[9] (London: Batsford, 1955), 118. The book was first published in Greek in 1946, reaching its seventh Greek edition in 2006, and a French translation in 1959, as *L'esthétique de l'art byzantine* (Paris: Flammarion). A similar contrast was extended to liturgy in east and west by the late S. Averintsev, 'Some constant characteristics of Byzantine Orthodoxy', in A. Louth and A. Casidey, eds, *Byzantine Orthodoxies* (Aldershot, 2006), 215–28, on p. 225. As an extreme example of the difference, Averintsev identifies an early eastern sect which celebrated the Crucifixion and Resurrection on the same night, on the ground that, symbolically, they were merely different aspects of the same phenomenon.

The continuities illustrated by Professor Bakirtzis reminded this Gregorian of this alleged difference between east and west. I thought of the aphorism attributed to Gregory VII that: 'Christ did not say "I am custom," but "I am truth"'.[10] I thought, too, of some of the changes which that revolutionary 'truth' brought about in the western Church. Among them, indirectly, was the so-called 'twelfth-century renaissance', whose leading theologians dubbed themselves *moderni*, as against the *antiqui* on whose shoulders they stood, seeing more.[11] All this has to be set beside what Professor Magdalino has elsewhere called the 'unadventurous' character of twelfth-century Byzantine thought.[12]

So the big question that Professor Bakirtzis' paper has stirred in my mind is one raised, though not fully explored, by Gurevich. Did the west develop a more 'vectoral' concept of time than the east: that is, of time going in one direction like an arrow, as distinct from staying the same and revolving in endless circles? To argue this with any conviction would require a rewriting of Bury's *The Idea of Progress* (1920), but focusing on the Middle Ages. In the course of it we no doubt would have to ask whether, if there was such a difference, it was in part determined by geography. To an empire defined by its capital, and a capital virtually impregnable, but whose provinces were scarcely ever free from outside threat, the idea of change must surely be compromised by the apprehension that change was more likely to be for the worse than for the better. Best if everything can stay the same. A confederation of states, on the other hand, a confederation bound as loosely as western Christendom was by the ghost left behind when Constantine *si fece Greco*,[13] and surrounded, geographically, by the colonial possibilities which Robert Bartlett wrote of in *The Making of Europe* (1993), will find the idea of change rose tinted. Change could very well be for the better, so the idea of progress can strike root.

This hypothesis is highly speculative. Quite apart from that, it may be said that I have gone far out of order by abandoning the subject of this conference, authority. These attitudes to time and change may have nothing directly to do with authority. But that modification, 'directly', leaves us free to agree or disagree with John Henry Newman, who thought otherwise. His *Essay on the Development of Christian Doctrine* (1845) did a 'Darwin' on Christian doctrine (a 'Galileo', for that matter: like Galileo, Newman insisted *eppur si muove*), demonstrating that Christian doctrine evolved. And in a note he added after finishing the book, Newman announced that he had become a Roman Catholic while writing it. Authority and change seem in his mind to have been connected.

From these lofty questions let me come down, thirdly, to something like firm ground, with Professor Magdalino's 'wise' emperors, and their relation to authority questions. In no period of history has wisdom not created problems for

[10] Cf. H.E.J. Cowdrey, *Gregory VII, 1073–1085* (Oxford, 1998), 518.

[11] R.W. Southern, *Scholastic Humanism and the Unification of Europe.* 1: *The Foundations* (Oxford: Blackwell, 1995), 188–91.

[12] P. Magdalino, *The Empire of Manuel I Komnenos*, *1143–1180* (Cambridge, 1993), 40.

[13] Dante, *Par*. xx, 57.

authority. It did so with Adam and Eve; and today it makes universities essentially ungovernable. In the period we are concerned with, the Middle Ages, wisdom was forever posing problems of Church authority in particular, and did so, had to do so, regardless of whether a Church was 'Caesaropapist' or not. In the very heart of the Latin Church, for instance, there only had to be enough theologians to organise as a trade union (as happened in the early fourteenth century) for their 'wisdom' to challenge papal authority. Who, it was asked then, had the final authority to define tight points in theology, the Paris 'Masters', who by definition had degrees in the subject, or the pope, *qua* pope?[14] So the Byzantine problem is here no exception, except that it was the emperor's 'wisdom' that raised the problem.

As a Gregorian, I have no difficulties with the 'wisdom' of Professor Magdalino's two wise emperors. It may be of interest to know that the founders of All Souls College in Oxford, in 1438, veered from theology towards law, on the ground that the nation needed holding together, at a time when theologians had caused nothing but bother in two generations of Wyclifism.[15] Leo VI and Constantine VII, we learn, likewise steered their wisdom away from theology, after generations of iconoclastic turbulence, and towards the practicalities of keeping an empire together, law, again, high on the agenda.

In an apparently unique interest among emperors, that of Constantine VII, so, we learn, was history. None of us here needs telling that history has everything to do with authority. Narratives rule. So by focusing on history, rather than theology, Constantine VII showed a sharp nose for practicalities. Unless I misunderstand his position, his status as *porphyrogenitus* was the only thing legitimate in Constantine's position. Nor was there much more legitimate about his dynasty. So both needed all the help they could get from the most powerful of long-term political weapons, that in which most of us at this conference are professionals, history. Professor Magdalino has assembled the fragments. They all point one way. Constantine addressed the most urgent of his domestic purposes, to purge his dynastic history of the wrongful sex and violence which had in fact sped it forward. How skilfully he did it. As a historian I am shocked. As a Gregorian, I only sigh with relief that he addressed himself to dynastic history, not that of the Church. He had snappier ways of dealing with awkward patriarchs. Gregory VII liked stable dynasties, subject to conditions; and Byzantium had recently suffered from considerable disruption to the Macedonian dynasty. Constantine's readjustment of the record must have played a part – no one can ever measure how much – in meeting this need, thus helping to assure Macedonian rule for almost another century. *Qua* Gregorian, I must reluctantly have to forgive him, for breaking all the historian's rules; and at the same time thank Professor Magdalino, for the exemplary way in which he has kept them.

[14] E. Mamurszsteijn, *L'autorité des maîtres: Scolastique, normes et société au xiiie siècle* (Paris: Les Belles Lettres, 2007).

[15] J. Catto, 'The World of Henry Chichele and the Foundation of All Souls', in *Unarmed Soldiery: Studies in the Early History of All Souls College*. The Chichele Lectures, 1993–4 (Oxford: All Souls, 1996), 1–13, esp. 7–8.

Part VI

The Authority of the Text

18

Believe It or Not: Authority in Religious Texts

Albrecht Berger

Claiming authority over another person in a pre-modern society, such as that of the Byzantine Empire, could always best be justified if this authority was declared as divine. And this was also true if the authority in question was actually a political, not a spiritual one. The Christian text central to the issue of political authority in its relation to the spiritual is the *Epistle to the Romans*, where Saint Paul says at the beginning of Chapter 13: 'Let every soul be subject unto the higher authorities. For there is no authority but of God: the authorities that be are ordained of God. Whosoever therefore resists the authority, resists the ordinance of God: and they that resist shall receive to themselves damnation'. Although the authenticity of this passage has been doubted, it has nevertheless also been much debated up to the present, and it had far-reaching consequences in Christian religious thought and political theory of all times.[1]

In religious literature, as we should expect, all spiritual authority is based, directly or indirectly, on the authority of the Holy Scriptures. Often, however, the actual motifs for claiming authority are in reality not spiritual at all, with the result that the appeal to its alleged source, the divine authority, is forged in some way or indeed fabricated 'out of nothing'. The question arises whether, in such cases, the authority of a text was actually accepted without opposition from the side of the people to whom it was applied. In my contribution, I will try to examine this problem, on the basis of some characteristic examples from theological treatises and the lives of saints. So did the Byzantines always believe in their own constructions of religious authority, or did they rather not?

Authority in theological treatises is, quite naturally, produced in the way just described: by invoking the superior divine authority. Arguing with the infallible truth of the Holy Scripture is, however, not always uncontroversial. A particularly

[1] For the doubts concerning the authenticity of the chapter as a whole see, for example, E. Barnikol, 'Der nichtpaulinische Ursprung der absoluten Obrigkeitsbejahung von Römer 13, 1–7', *Studien zum Neuen Testament und zur Patristik*, Festschrift E. Klostermann (Berlin, 1961), 65–133.

instructive example in this context is the anti-Jewish literature, which appears mainly, though not exclusively, in the shape of dialogues between a Christian and a Jewish interlocutor.[2] In all anti-Jewish texts, the central point of discussion is the question whether Christianity, having emerged from Judaism, has also inherited the promise and claim for God's salvation, or not. Is Jesus Christ really the Son of God and the Messiah expected by the Jews? Who are the chosen people of Israel, the Jews or the nations who have converted to Christianity? Is the old covenant of the Israelites with God still valid, or has it been replaced by the new covenant of the Christians? Is the Mosaic law still valid, or has it been replaced by the new Christian laws? In fact, all these topics are discussed in the Byzantine anti-Jewish dialogues, mostly in mixed order and without a systematic arrangement. This phenomenon can be explained as an acceptable secondary effect of the dialogue form, which is mainly used because it lends itself most suitably for the confrontation of two religions. The abrupt change of subjects even contributes, in many dialogues, to a vivid and authentic impression of the discussion so that the lack of systematic arrangement is less sensible than in other literary forms, for different points of view can be stated here without any obligation to treat them in full or to justify them.

This feature makes the anti-Jewish dialogues interesting for our present purpose, for if there was any place in theological literature where an author had the chance to articulate his own doubts about the official dogma of the Church without the danger of running into serious personal troubles, this place was here. In connection with this, we should also take into account that nearly all anti-Jewish texts since the beginning of the genre are purely literary products which certainly were no record of a discussion that actually took place, for normally neither the Jewish nor the Christian participants of these discussions possess any substantial knowledge of Judaism and Jewry. If these dialogues were real witnesses of a theological debate between Christians and Jews at all, they could in the best case have been written to provide some help for argumentation. It is probable therefore that they were rather addressed to Christians of weak faith than to real Jews. With this in mind Averil Cameron once acknowledged 'the willingness on the part of the Christian writers to use the literary image of the Jew to point their own ideological lessons'.[3]

But is this the whole truth? Were these texts perhaps also used to transmit *not* ideological lessons, that is, the official Christian dogma of their time, but rather the doubts of their authors?

The fact that these texts, as we have just said, were written without actual knowledge of Judaism easily explains why there is no discussion about the problematic points of the Christian dogma as known from Jewish texts, such

[2] See, for a general overview, A. Külzer, *Disputationes graecae contra Iudaeos. Untersuchungen zur byzantinischen antijüdischen Dialogliteratur und ihrem Judenbild*. Byzantinisches Archiv 18 (Stuttgart and Leipzig, 1999).

[3] A. Cameron, 'Blaming the Jews: The Seventh-Century Invasion of Palestine in Context', in *Mélanges Gilbert Dagron = TM* 14 (2002), 57–78: 75.

as the virginity of the Mother of God, or about several contradictions within the New Testament.[4] Yet it happens that certain doubts are raised about these dogmas, and sometimes even the whole system of Christian biblical exegesis is challenged, the well-known system based on the interpretation of certain *loci probantes* from the Old Testament as an allegory of the New Testament. This is clearly an indication that the Byzantine Christian writers themselves sometimes had serious doubts about the authority and truth of their Holy Scriptures and their traditional interpretation. Under normal circumstances, it was impossible to raise them without taking the risk of being burnt at the stake. The anti-Jewish dialogues, however, gave a splendid opportunity to do so, for all these doubts could be put into the mouth of the Jewish interlocutor, as long as they were subsequently refuted in due form.

A good example of this is the *Disputatio* of Gregentios with the Jew Herban.[5] This text was written in the late tenth century but set at the time of the Christian mission to pre-Islamic Yemen in the sixth century. Here the feeling suggests itself more than once that the author used the person of Herban simply as a pretext to introduce his own doubts about the allegorical interpretation of the Old Testament. How else, for example, can we understand Herban‘s words, when he says about the Virgin Mary:

> Did God, who is invisible and incorporeal, have a wife, that you call his consubstantial son, who is clothed in his flesh, a man? For did God put on flesh, that he needed a fleshly woman, of which he would have the one whom you call his son?[6]

Later in the text, the same person Herban is used as a pretext not only to articulate the author's doubts about one particular allegorical interpretation of the Old Testament, but also about contradictions between the prophets of the Old Testament. Here Herban says:

> I thank the God of the law that I am a Jew and did not understand such a thing in the divine Scriptures of the prophets, which you pretend to do, as I see. But what does the prophet say here? *God is known in Judaea, his name is great in Israel.* He did not say that God is known among the nations and in all the earth, but rather he says, God is known only in Judaea, and only in Israel is his name great, and not among some foreigners and nations. Now you see how the prophets

[4] See, for example, *The Polemic of Nestor the Priest.* Qiṣṣat Mujādalat al-Usquf *and* Sefer Nestor Ha-Komer, ed. D.J. Lasker and S. Stroumsa (Jerusalem, 1996), 33–4, or N.R.M. de Lange, 'A Fragment of Byzantine Anti-Christian Polemic', *Journal of Jewish Studies* 41 (1990), 92–100.

[5] *Life and Works of Saint Gregentios, Archbishop of Taphar*. Introduction, critical ed. and transl. by A. Berger. Millennium Studies 7 (Berlin, 2006).

[6] Ibid., Dialexis, Δ 701–3.

> are uncertain as well, and sometimes one says other things in a different way, and somewhere else another one says the opposite; so there is mostly no need to listen to them when they speak.[7]

Thus the Jew. Needless to say the archbishop hurries to bring forth his own interpretation, so that the author of the text can hide behind him:

> Herban has hardly found a solution by insulting the prophets because of his inexperience. O heart without understanding and hardened mind, to both of which you have given audience by your foolishness. *God is known in Judaea*, but in that which has been changed to Christianity, *and his name is great in Israel*, but in the new Israel which has been invited from the nations etc. etc.[8]

In matters of religious authority, claiming absolute truth is certainly the main argument. But what should we then think about the following passage which is also put into Herban's mouth? I quote: 'Because our law was given first and thereafter yours, I think accordingly that the one given first is more valid. Therefore it is necessary that we keep our law, and you then yours'.[9] And later he says: 'As I see, there is one knowledge among us and another one among you; so it is necessary for everbody to convince by his knowledge and to be calm'.[10] Is this not a plea for religious tolerance, a tolerance more usually associated with our own days?

In the genre of anti-Jewish dialogues it is natural that they always end with the conversion either of the Jewish interlocutor alone or of all Jews who are present at the scene. However, this happy end is mostly not the result of the previous dicussion, but rather of a miracle. This this is already the case in the *Acta Silvestri* where the Jewish magician Iambres kills a bull but cannot bring it back to life, something which is achieved thereafter by Silvester.[11] In other texts, as the fifth-century Letter of Severus of Minorca and the *Disputatio* of Gregentios already quoted, the conversion is achieved by a vision of Christ who appears in the air high above the scene.[12]

Let us now pass over to another genre of religious texts, that of the hagiographical lives of saints. In our modern attitude, a saint's claim for spiritual authority should be best justified if he was a historical person. Traditional thought, however, apparently had other categories of trustworthiness. It is superfluous to say that many Christian saints, including those of the Byzantine Orthodox Church, were not historical persons at all. But many others are, or have at least

7 Ibid., Dialexis, Δ 179–86, quoting *Psalm* 75.2.

8 Ibid., Dialexis, Δ 187–91.

9 Ibid., Dialexis, B 239–42.

10 Ibid., Dialexis, Γ 220–1.

11 *Acta Silvestri*, ed. F. Combefis, in *Illustrium Christi martyrum lecti triumphi* (Paris, 1660), 258–336: 329–36.

12 Severus of Minorca, *Letter on the Conversion of the Jews*, ed. S. Bradbury (Oxford, 1996), 110–14; Dialexis, E 607–89.

some sort of historical core.[13] Saints mostly had, to begin with, a popular cult at their graves which was founded on some obscure traditions, a tradition which had to be justified subsequently. The usual way to achieve this was the composition of a more or less authentic description of their lives. If biographical details about a saint were unknown, his hagiographical life consists, for the greater part, of topical episodes, and it is not always easy to extract the hard facts from it which we modern historians are normally interested in.

We have to accept, it seems, that the very passages of these texts which have nothing to do with the hero at all and therefore seem least interesting are those which give the hero his spiritual authority as a holy man, an authority which is created by relating his wonders. These wonders, in turn, are mostly known from many other sources, starting with the New Testament itself. What was regarded as more important in such hagiographical lives and what as less important can sometimes be seen in the entries of the *Synaxarium*, where the principal information of a hagiographical life was condensed to a short entry of some lines. The result of this can be, in the worst case, a text like this:

> Saint Sabinos first became bishop because of his exceeding virtue. Then he left the turmoils of the world, preferring the good of calmness. He withdrew into the desert and struggled so much for the virtue that he was deemed worthy of many graces. He drove sickness away, cleaned the lepers, expelled demons and even foretold the future. And after having helped many people by his teaching, he died in peace, giving his spirit to the Lord, and his body to the earth which was connatural to him, and till this day he works healings to the pious.[14]

In this text, only the miracles of the saint have remained, while the facts of his life have completely disappeared. We will never learn when and where Sabinos lived and what he did during his time as a bishop. Miracles grant authority to a saint, not mundane events like these. If we now try to classify the different miracles worked by saints, we can distinguish, first of all, two main groups: those miracles which already appear as wonders of Jesus Christ in the Gospels, and those which do not.

Miracles from the first group include such well known episodes as the healing of the leper, the deaf mute, the paralysed, the possessed or the sick with fever.[15] All of them make their appearance on various occasions in hagiographical literature, and it is important to understand that they were not regarded as simple copies

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[13] See, still, the remarks of H-G. Beck, *Kirche und theologische Literatur im byzantinischen Reich*. Byzantinisches Handbuch, 2.1 (Munich, 1959), 267–75.

[14] *Synaxarium ecclesiae Constantinopolitanae*, ed. H. Delehaye (Brussels, 1902), 142.5–16; a longer version in *PG* 116, 109C–112A.

[15] The leper: Matthew 8.2–4, Mark 1.40–4, Luke 5.12–4; the deaf mute: Matthew 9.32–3 and 12.22–3; the paralysed: Matthew 7.5–10 and 9.5–7, Mark 2.2–11, Luke 5.18–25, Acts 14.7–10; the possessed: Mark 5.1–20, Matthew 8.28–32, Luke 8.26–32; the sick with fever: Matthew 8.14–5, Mark 1.30–3, Luke 4.38–9.

or literary reminiscences, but instead served as a method to produce the required spiritual authority of the text. For the argument is clear: if a saint performs the same miracles as Christ himself, this proves that he does them in the name of his Lord, so that the authority of the Gospel has passed over also to that saint. It does not become a serious problem, in such a context, if the authors of hagiographical lives repeat the same miracles again and again, as long as they go back to the Gospels and to Jesus Christ himself.

In the case of the second group of miracles, those without a prototype in the New Testament, things are a bit different. For if the same miraculous story is attached to a whole queue of saints, even a very devout Byzantine reader must have realised that something went wrong, for a narrative that simply copies another cannot produce the authority which the hero of the story needs.

A clear indication that doubts of this kind actually arose can be found, for example, in a work of Sophronios, the later patriarch of Jerusalem in the early seventh century. I speak about the corpus of the miracles of Kyros and Ioannes, whose sanctuary at Kanopos in Egypt had replaced a former cult of Isis. Their healing miracles were so similar to those of the more famous saints Kosmas and Damianos that everybody had to realise this, and, as it appears, Sophronios himself tries to overrule categorically any possible objections, for he says in the introduction to his text:

> No one should wonder if the saints do miracles identical to each other, for Kyros and Ioannes, Kosmas and Damianos draw their power of healing from the same source, namely Christ our God, and both have the same lord and honour him, who bestows his cures upon us through them and works his signs in many different ways.[16]

This passage shows us clearly enough, I believe, that already in the Byzantine period the faithful sometimes had the choice to believe a story or not – the main difference with our times being the fact that such doubts could hardly be articulated, and if at all, in a very cautious and tortuous way, as we find it here.

There is, on the other hand, a whole category of hagiographical lives where the spiritual authority of their hero is not produced by ascribing miracles to him which prove his sanctity. I speak about those lives of fictitious holy bishops which were evidently written with the intention of increasing the authority of an episcopal see by claiming that it was founded by them.

The custom of tracing the first bishop of a town in the Roman Empire down to the age of the apostles has, indeed, a long tradition. It is based on Chapter 10 of the Gospel of Luke, where Christ himself sends out 70 – or 72 – apostles and welcomes them at their return. In the Gospel of Luke, these apostles of the second generation bear no names. But not later than the seventh century these apostles had all received names, as they were identified with various minor characters

[16] N. Fernandez Marcos, *Los Thaumata de Sofronio: Contribucion al estudio de la incubatio cristiana* (Madrid, 1975), 306 (c.30, [14]).

mentioned in the New Testament.[17] And, in a still later stage, the lists of these apostles mention also the towns, almost exclusively within the Roman east, where these persons allegedly acted as bishops.[18]

When, in the eighth and ninth centuries, the tensions between the eastern and western Churches increased, it became more and more important to legitimise the authority of a see, especially in an area disputed between both these Churches, by claiming that it had been founded already in the apostolic time. The competition with the pope's claim for universal ecclesiastical authority, to mention just one example, is one of the reasons why the legend was invented which made Saint Andrew the apostle of Byzantium and the whole east.[19] It should also be remarked in this context that, already at a relatively early time, a certain standard repertoire for the lives of holy bishops emerged, including the appointment by God himself, by which divine authority was bestowed upon them in a most direct way. A good example is the scene in Eusebius of Caesarea's *Church History* which describes how pope Fabianus was miraculously chosen in the year 236:

> When all the brethren had assembled to select by vote him who should succeed to the episcopate of the Church, several renowned and honourable men were in the minds of many, but Fabianus, although present, was in the mind of none. But they relate that suddenly a dove flying down lighted on his head, resembling the descent of the Holy Spirit on the Saviour in the form of a dove. Thereupon all the people, as if moved by one Divine Spirit, with all eagerness and unanimity cried out that he was worthy, and without delay they took him and placed him upon the episcopal seat.[20]

Similar scenes appear in many subsequent hagiographical texts about holy bishops in which the divine authority is represented by a dove, by a letter fallen from heaven or the like. And if it is not God who assigns his authority to the bishop himself, the apostles appear in a dream to the hero of the story or to the patriarch, pope or emperor who then ordains him.

But what if spiritual authority is required for an episcopal see which wants to legitimise its present rank or tries to attain a higher one, without having a remarkable tradition of its own? Here the apostolic authority has to be produced

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[17] *Chronicon Paschale*, ed. L. Dindorf (Bonn, 1832), I 400.6–403.12 and 420.9–421.2.

[18] Th. Schermann, *Prophetarum vitae fabulosae* (Leipzig, 1907), 122.17–123.2 (Pseudo-Epiphanios) and 140.5–8 (Pseudo-Dorotheos).

[19] F. Dvornik, *The Idea of Apostolicity in Byzantium and the Legend of the Apostle Andrew. Dumbarton Oaks Studies* 4 (Cambridge, MA, 1958). Dvornik argues for an origin of this legend in the sixth or seventh century. It seems likely, however, that the claim of Constantinople for an own apostolic tradition is actually a reaction to the development of the pope's position of power in the later eighth century – as a result of the events described below – and should thus be dated later, roughly into the same time as the Sicilian examples, about which we will presently speak.

[20] Eusebius, *Church History*, 6, 29.

out of nothing or nearly nothing. And how such a procedure works may be observed, in a quite fascinating way, in a group of Byzantine hagiographical lives, namely the fictitious biographies of a number of saints from Sicily which were probably written in the seventh and eighth centuries and share the same historical background. In the course of the seventh century, the Byzantine Empire had barely escaped total destruction by the armies of Islam, and the former world empire was reduced to a regional power which had to struggle constantly for survival against the Arabs in the east and the Bulgars and Slavs on the Balkan Peninsula. In Italy, only some dispersed territories and the island of Sicily were still under Roman control. Finally, when the city of Rome was immediately threatened after the fall of Ravenna to the Lombards in 751, the pope decided to ask the Franks on the other side of the Alps for help, as there was no expectation for military support from the east any more. Indeed, the Franks conquered the Lombard kingdom and handed the territories, which had been up to that point under Roman domination, over to the pope. This is the origin of what were later to become the Papal States.[21]

The Byzantine emperor had no possibility of reversing the loss of northern Italy, but he reacted by withdrawing the ecclesiastical jurisdiction in those of his remaining territories which had formally still belonged to the diocese of Rome, and to put them under the jurisdiction of the Patriarch of Constantinople. This process is usually called the 'transfer of the Illyricum', for it affected mainly the territories in the west of the Balkan Peninsula.[22] However, it had its most serious consequences in Sicily, for the papal possessions on the island, which now were taken over by the emperor, had for a long time formed the economic basis of the Roman Church. Nevertheless the transfer happened in a surprisingly silent way, so silently that there is no contemporary document about it and even today an exact date for it cannot be fixed. Sicily had, until then, also belonged to the diocese of Rome, that is, the pope functioned there also as archbishop. When the island passed to the jurisdiction of Constantinople a new archbishopric had to be established there, but it was not clear from the beginning in which of the great towns of the island this should be placed. Now what could a town do in order to obtain the archbishop's seat? It had to present a local saint, if possible a very old and venerable one, in the best case one who had been appointed as bishop by Saint Paul himself and therefore had inherited the apostle's spiritual authority.

In Sicily in the seventh century, only Syracuse possessed such a fictitious first bishop, Saint Markianos.[23] Allegedly he originated from Jerusalem and was ordained by Saint Paul himself, but he does not actually appear in the New

[21] On which see T.F.X. Noble, *The Republic of St. Peter: The Birth of the Papal State, 680–825* (Philadelphia, 1991).

[22] On this, see, among others, W. Brandes, *Finanzverwaltung in Krisenzeiten. Untersuchungen zur byzantinischen Administration im 6.–9. Jahrhundert.* Forschungen zur byzantinischen Rechtsgeschichte 25 (Frankfurt, 2002), 368–74.

[23] See C. Stallman, 'The past in hagiographic texts: S. Marcian of Syracuse', in G. Clarke, ed., *Reading the Past in Late Antiquity* (Canberra, 1990), 347–65: 351–54.

Testament nor even in the lists of the Seventy, probably because all the names in these lists had already been assigned to legendary bishops when the account of Markianos' life was composed. And it must also be said that another Sicilian saint has surpassed Markianos by far as to the fantastic content of his biography, namely Pankratios of Tauromenion (modern Taormina), whose life can be dated roughly to the mid or late eighth century.[24]

Pankratios too is no figure of the New Testament. The author, therefore, had to find a way to attach him to the apostolic tradition, and does this by letting Pankratios originate from Antioch, be baptised in Jerusalem and travel with Saint Peter. When they meet Saint Paul in Tarsos in Cilicia, Paul ordains him as bishop of Tauromenion, at the same time as Markianos is ordained as bishop of Syracuse and Kreskentios as bishop of Galatia. This means that the author already knew the life of Markianos, and in fact it is also sometimes quoted later in the story. Also, by mentioning Kreskentinos he introduces a person actually drawn from the New Testament, for Kreskentinos is, without doubt, identical to the Kreskens mentioned in Paul's second letter to Timothy.[25] The life then proceeds as follows: Pankratios travels to Sicily and lands at Tauromenion where he ordains a certain Epaphroditos as bishop of Torakinea (modern Terracina). Markianos of Syracuse protests against this interference with his sphere of authority, but the conflict is settled peacefully. Then the pagan king Akylinos of Calabria arrives before Tauromenion and besieges the town, but is driven away through the miracles worked by Pankratios. In the end, Pankratios is murdered by the pagans, and Evagrios, the fictitious author of the life, is appointed as his successor by Peter himself in Rome.

Inserted into the main story is a subplot, without any religious components, dating back to a time long before Christ, namely that of Alexander the Great. The contents, in brief, are: a king in southern Italy, Remaldos, is married to a witch called Meneia. He pays tribute to king Akylinos of Calabria, an ancestor of the homonymous king in the main story. Akylinos is the lord of a slave called Tauros, whom he had bought from Remaldos, and who serves him as stable boy.

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[24] A critical edition of the Bios of Pankratios is still missing; for a summary, see M. van Esbroeck and U. Zanetti, 'Le dossier hagiographique de S. Pancrace de Taormine', in S. Pricoco, ed., *Storia della Sicilia e tradizione agiografica nella tarda antichità* (Soveria Mannelli, 1988), 155–70: 158–68. For the text and its content, see A. Acconcia Longo, 'Siracusa e Taormina nell'agiografia italogreca', *RSBN* NS 27 (1990), 33–54; M. van Esbroeck, 'Le contexte politique de la Vie de Pancrace de Tauromenium', in S. Pricoco, F. Rizzo Nervo and T. Sardella, eds, *Sicilia e Italia suburbicaria tra IV e VIII secolo* (Soveria Mannelli, 1991), 185–96; A. Kazhdan, *A History of Byzantine Literature* I (Athens, 1999), 302–8; A. Acconcia Longo, 'La data della vita di S. Pancrazio di Taormina (*BHG* 1410)', *Bollettino della Badia greca di Grottaferrata* 55 (2001), 37–42; D. Motta, *Percorsi dell'agiografia. Società e cultura nella sicilia tardoantica e bizantina.* Testi e studi di storia antica 4 (Catania, 2003), 199–243; A. Berger, 'Kerkyllinos und Kerkyra oder: wie Korfu christlich wurde', in S. Kotzabassi and G. Mavromatis, eds, *Realia Byzantina*. Byzantinisches Archiv 22 (Berlin, 2009), 17–24: 21–4.

[25] 2 Timothy 4.10.

Akylinos attacks Remaldos, beats him and captures Meneia, but is subsequently expelled by Tauros who ascends the throne and marries Meneia. Akylinos pursues him to Sicily and is killed there with his whole army. So Tauros finally becomes king of Sicily and Calabria, and he founds Tauromenion, whose name is formed by combining the words Tauros and Meneia. This inserted story not only provides us with a fantastic etymology of the place name Tauromenion but also contains clear hints to historical events. For King Remaldos is apparently an allusion to the Lombard duke Romuald of Beneventum, who attacked Byzantine Calabria in the seventh century. Meneia is the name of a Lombard queen in the sixth century, and it is fascinating to see how her name finally wandered to Scandinavia, probably through the meditation of Byzantine mercenaries in Sicily, and crept into a song of the Edda.[26]

On the other hand, the peaceful settlement of the conflict between Pankratios and Markianos points to the dispute about rank between the two great episcopal seats of Sicily, Syracuse and Tauromenion, as seen from Tauromenion. For the Roman governor Bonifatios, also mentioned in the story, has his seat at the latter, though in reality it was in Syracuse, a town portrayed here as a turbulent place, full of pagans and Jews who can be kept in check by Markianos only with great effort.

All this shows clearly enough for which motives the life of Saint Pankratios was composed: its purpose was to propagate Tauromenion as the seat of the new archbishop and to ward off the claims of Syracuse by claiming its apostolic, or rather, pseudo-apostolic, origin. The fictional story of the city of Tauromenion, moreover, extends the search for authority back even behind the Christian age. However, the political intention of this literary work failed, for Syracuse, being the seat of the Byzantine governor, had the better starting position, and actually won the race. It is hard to imagine that even the author of this fantastic story believed what he had written in search for the apostolic authority of Tauromenion. Whether any of his contemporaries did so, or whether at least some persons of critical mind in later ages did not, is something we will never know with certainty.

But let us now leave the complex subject of hagiographical minds and turn to a final related topic. As already mentioned, it was practically impossible to denigrate the Christian dogma openly, including also some rather problematic areas of it which had been added to it over the centuries, such as the cult of relics. The spiritual authority of a saint was, as it appears, particularly emphasised by his physical presence, and this was the reason why the number of more or less authentic relics greatly increased over the centuries. On the other hand, there are many cases in which relics got lost or disappeared without obvious reason, and we cannot avoid the impression that this sometimes happened simply because a miraculous retrieval of them was needed for political reasons.[27]

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[26] W. Brandes, 'Das Gold der Menia. Ein Beispiel transkulturellen Wissenstransfers', *Millennium* 2 (2005), 175–226.

[27] A well-known case is that of Saint Euphemia, whose relics were 'found' and solemnly restored to her church in 796; see the entry in Theophanes (de Boor) 439.27–440.11. The

Compared to the cult of relics as it was practised in the west, the veneration in the east took place mostly in a rather reserved form, for relics were mostly kept in closed shrines and were rarely divided. But this was not always the case,[28] and in fact we have at least one text from the Byzantine time whose author dissociates himself clearly from certain excessive practices. This is a poem by the well-known poet Christophoros Mitylenaios who lived in the eleventh century. Here Christophoros attacks a monk called Andreas for selling 'bones of normal persons as relics of saints'.[29] The saints, he says, have become like monsters with a multitude of hands, feet and other body parts. Andreas' collection has, amongst others, ten hands of Prokopios, 15 jawbones of Theodoros and eight feet of Nestor, four heads of Georgios, five breasts of Barbara, and so on:

> Alas over your fervent faith, Andreas, which convinces you that the male martyrs are monsters like a hydra, while it also makes you believe that the female ones look like dogs, for the ones have ten thousands of heads, the others many tits like the she-dogs. Through your faith the martyr Nestor even has turned into a sea animal, for he appears like an octopus, and your faith shows us Prokopios as a Briareus with a multitude of hands.[30]

Christophoros goes on mocking all sorts of incredible relics. The sale of relics, he says, will go on until the trumpet of the Last Day sounds – where Andreas will receive his just punishment. Then he tells us how a friend of Andreas had produced a false relic of Saint Probos out of the bone of a sheep, that is, a relic of *Probos* out of a *probaton*. And he ends by offering Andreas new, sensational relics: the thumb of Enoch, the buttocks of Eliah, both persons from the Old Testament who went up to heaven, and, moreover, a finger of the archangel Michael, a feather of Gabriel which he lost at the Annunciation in Nazareth, and even three eyeballs plus the fiery sword of a cherub, which may be useful, he says, for the gratuitous illumination of his collection.

Christophoros, it must be admitted, also wrote poems on saints and icons, including one on the body of Saint Panteleemon that emitted holy oil.[31] And of course he pretends here that he attacks Andreas' greed for money and nothing else, for at some point in the middle of the poem he says:

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assertion that they had before been removed and thrown into the sea by the Iconoclasts is most probably untrue; see J. Wortley, 'Leo III, Constantine V and the relics', *Byzantinische Forschungen* 8 (1982) 253–79, esp. 274–9.

[28] See, for example, the impressive list of relics, many of them divided, by O. Meinardus, 'A study of the relics of saints of the Greek Orthodox church', *Oriens Christianus* 54 (1970), 130–278.

[29] *Christophori Mitylenaei Versuum variorum collectio cryptensis,* ed. M. De Groote. Corpus Christianorum, Series Graeca 74 (Turnhout 2012), no. 114 title.

[30] Ibid., no. 114, v. 21–9.

[31] Ibid., no. 89.

> Why do you spend so much money? You could get the relics for free just by going to the graves in town. But, as you say, you will not receive a payment, if you take them out of the graves free of charge. So go to the sale, go there with joy. You will rather spend all your money than the corpse dealers will empty all the graves.[32]

If we consider the poem just quoted, it is difficult to believe that Christophoros had only the excesses and abuses of the cult of relics in mind when he was writing, and that he was not attacking the cult of relics in general, including the claim for spiritual authority.

[32] Ibid., no. 114.

19

From the Workshop of Niketas Choniates: The Authority of Tradition and Literary Mimesis

Alicia Simpson

Modern concepts of Byzantine literature regularly apply terms such as 'authority', 'tradition' and 'mimesis' in order to understand the ideological perspectives, narrative approaches and literary devices employed by Byzantine authors. In a historiographical context, authority is most often taken to mean 'influence', tradition the 'classics' and mimesis 'imitation'. Scholarly discussions on the topic have focused almost invariably on literary mimesis and evaluated the authority or influence of the ancient tradition mainly in terms of the quantity and quality of imitation evident in linguistic traits and textual parallels.[1] This approach leaves little room for discussion on historical methodology and outlook or philosophy of history – a topic which has been largely ignored in the underdeveloped field of Byzantine historiography. Classical scholars, on the other hand, have developed an interpretive methodology to the study of mimesis based on criteria that include accessibility, order and density of textual parallels, situational analogies, distinctive traits and ideological perspectives.[2] In addition to detecting literary mimesis, this approach can also detect similarities in values and perspectives and perhaps explain why a particular author selected a particular model for imitation. In this way, the study of mimesis becomes an important research tool in understanding the relationship of a particular author to the historical tradition as well as his/her techniques of employing that tradition.

[1] The classic views are stated by H.Hunger, 'On the Imitation (Μίμησις) of Antiquity in Byzantine Literature', *DOP* 23–4 (1969–70), 15–38 and G. Moravcsik, 'Klassizismus im byzantinischen Geschichtsschreibung', in *Polychronion Festschrift für Franz Dölger zum 75. Geburtstag* (Heidelberg, 1966), 366–77.

[2] See *Mimesis and Intertextuality in Antiquity and Christianity,* ed., R. MacDonald (Hamisburg, PA, 2001), 2–3.

In the field of Byzantine historiography, a good case study is the *History* of Niketas Choniates.[3] This historical source of prime importance has been traditionally grouped within the category of classicising histories on the basis of formal structure, language and content. It is characterised by the use of archaising morphology, syntax and vocabulary, a multitude of citations, allusions and imagery drawn from ancient sources, as well as a wealth of proverbial expressions. What is more, the selection of a contemporary and near-contemporary time frame, the descriptive narrative technique, the often dramatic and epic tone, the lack of documentation and the use of extensive digressions and fictitious speeches already indicate the Byzantine author's dependence on the ancient tradition. Niketas' literary mimesis of the ancients is clearly demonstrated by Jan Louis van Dieten's *index locorum* where authors such as Homer, Lucian and Plutarch figure prominently, along with the rhetoricians Aelian and Athenaeus, the tragedians Euripides and Sophocles and the Greek paroemiographers. This index is by no means complete, as shown by the important article of George Fatouros, who studied Niketas' use of the authors of the Second Sophistic.[4] According to Fatouros, Niketas' character portraits, and in particular the various traits he assigns to historical personalities, owe much to the literary mimesis of the works of Philostratos and Eunapios. This scholar further argues that Niketas' characteristic irony, his frequent use of wordplay, his preference for *homoiokatalekta*, as well as his vocabulary and morphology, all come from Second Sophistic writers. Finally, he suggests that the reason for such a dependence was the cultural orientation of the Komnenian era towards late antiquity.

More recent studies have examined and confirmed this trend in literary culture: the 'revival of fiction' in the form of the ancient novel,[5] the predilection for satire and parody in different literary genres,[6] the prevalence of highly stylised rhetorical

[3] *Nicetae Choniatae historia,* ed. J-L. van Dieten (Berlin, New York, 1975). Engl. trans. H. Magoulias, *O City of Byzantium: Annals of Niketas Choniates* (Detroit, 1984). On this author see J-L. van Dieten, *Niketas Choniates: Erläuterungen zu den Reden und Briefen nebst einer Biographie* (Berlin and New York, 1971); A. Kazhdan, *Nikita Honiat i ego* vremja (St Petersburg, 2005) and the collective volume *Niketas Choniates: A Historian and a Writer,* eds, A. Simpson and S. Efthymiadis (Geneva, 2009).

[4] G. Fatouros, 'Die Autoren der zweiten Sophistik im Geschichtswerk des Niketas Choniates', *JÖB* 29 (1980), 165–86.

[5] See R. Beaton, *The Medieval Greek Romance* (Cambridge, 1989; rev. edn. London, 1996); P.A. Agapitos and O.L. Smith, *The Study of the Medieval Greek Romance* (Copenhagen, 1992); E. Jeffreys, 'The Novels of Mid-Twelfth Century Constantinople. The Literary and Social Context', in I. Sevcenko and I. Hutter, eds, *ΑΕΤΟΣ. Studies in Honour of Cyril Mango Presented to him on April 14, 1998* (Stuttgart and Leipzig, 1998), 191–9; P.A. Agapitos and D.R. Reinsch, eds, *Der Roman in Byzanz der Komnenenzeit* (Frankfurt am Main, 2000).

[6] See M. Alexiou, 'Literary Subversion and the Aristocracy in Twelfth-Century Byzantium: A Stylistic Analysis of the *Timarion* (ch. 6–10)', *BMGS 3* (1977), 23–43; L. Garland, '"And his head shone like a full moon…": An Appreciation of the Byzantine Sense of Humour as Recorded in the Historical Sources of the Eleventh and Twelfth Centuries', *Parergon* n.s. 8 (1990), 1–31; J.N. Ljubarskij, 'Byzantine Irony: The Example of Niketas

works and the so-called 'mixing of genres' all defined the literary production of the Komnenian period, which one scholar has most recently termed the 'Third Sophistic'.[7] Niketas' *History* should always be viewed within this literary context. His mimesis of ancient authors is both rhetorical and ideological, both explicit and implicit, both superficial and profound. Ancient authors such as Philostratos and Eunapios but also Lucian, Aelian and Athenaeus provide him with biographical sketches, a miscellany of excerpts and anecdotes, essays and dialogues from which he draws his vocabulary, imagery, metaphors, allegories and *exempla.* It is important to note that these are mainly reserved for the purpose of characterisation and are most often satirical or moralistic in tone. The author compares and contrasts his own characters to mythological and historical figures and often ponders the relationship between human and animal behaviour.[8] This type of stylistic and ideological mimesis is not simple imitation; it is a rhetorical device which Niketas uses to sketch his character portraits often with physical, moral and psychological detail. What is more, these character sketches are not placed outside the historical action. They are usually inserted in historical situations in which the protagonists find themselves and seem to constantly waver between tragedy and humour, admiration and aversion, derision and pity.

However, the author's selection of Second Sophistic writers for imitation does little to help us define his relationship to the ancient historical tradition. It is interesting to note that ancient historians are conspicuously absent from van Dieten's *index locorum*. A prominent exception is Herodotus, but Niketas' use of this author is minimal and largely restricted to comparisons of personalities and events. For example, the Emperor Andronikos I Komnenos (1183–5) is compared to Xerxes, who praised, crowned and butchered his helmsman on the same day.[9] The silk weavers of Thebes and Corinth carried off to Sicily by Roger II are compared to the Eretrian slaves of Darius who were settled in new lands.[10] More substantial is Niketas' use of the biographer, historian and moral philosopher, Plutarch. This is hardly surprising since Plutarch was highly praised and imitated by Byzantine authors, who were drawn to the attractive style and moralising nature of his writings.[11] Niketas employs the usual comparisons of persons; for example,

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Choniates', in C. Angelidi, ed., *Byzantium Matures: Choices, Sensitivities and Modes of Expression* (Athens, 2004), 287–98; P. Magdalino, 'Tourner en dérision à Byzance', in A. Crouzet-Pavan and J. Verger, eds, *La derision au Moyen Âge: De la practique sociale au ritual politique* (Paris, 2007), 55–72.

[7] See the relevant section in A. Kaldellis, *Hellenism in Byzantium. The Transformations of Greek Identity and the Reception of the Classical Tradition* (Cambridge, 2007), 225–315.

[8] See L. Bossina, 'La bestiae l'enigma: Tradizione classica e cristiana in Niceta Coniata', *Medioevo Graeco* 0 (2000), 35–68; S. Efthymiadis, 'Greek and Biblical Exempla in the Service of an Artful Writer', in *Niketas Choniates,* 101–19.

[9] Nik.Chon., 259. Cf. Herodotus, 8.118.

[10] Nik.Chon., 98. Cf. Herodotus, 6.119.

[11] On Plutarch in Byzantium see *ODB* 3, 1687–8 and bibliography therein.

the emperor Manuel I Komnenos (1143–80) is likened to Themistokles in passing sleepless nights, while the overreaching official Constantine Mesopotamites is compared to Briareus, the hundred-handed.[12] But Niketas also compares events: in the narration of the battle between the French Crusaders and the Turks on the Meander River (1147), he comments on the height of the 'mounds of bones' of the fallen that could still be seen lying on the ground. He then invites the reader to compare this horrific scene with the circuit of fences that enclosed the vineyards of the Massilians, fashioned from the bones of the German Cimbri fallen in the battle with the Roman general Marius. Finally he comments: 'what happened here would have surpassed the earlier battle were it not for the grandiloquent account recording the fate of the Cimbri that exaggerated nature, sinking it all into myth'.[13] Niketas is, of course, referring to one of the great battle pieces in Plutarch's *Life of Marius.* Of special interest is his latent criticism of the mythological element in Plutarch's account and the claim that the battle *he* narrated surpassed the earlier one as evident by his own eyewitness testimony. We need not be reminded here that the importance of subject matter and the authority of eyewitness testimony were characteristic features of ancient historiography.

If Niketas dares to compare himself with Plutarch, he also employs the ancient author's wisdom in one of the most important passages of the *History.* This is the skilful introduction to the final book that narrates the events after the conquest of Constantinople by the Fourth Crusade in 1204. Niketas takes us through Plutarch's story in the *Life of Solon* where the Athenian statesman criticised his fellow citizens for not opposing the tyranny of Peisistratos. He lectured in the marketplace, blaming the Athenians for their idleness and meanness of spirit and urging them not to lose their liberty, for he thought that it was easier to stop a rising tyranny but a great and more glorious action to destroy it. When no one sided with him, he returned home, brought out his arms and laid them before his door, reportedly saying that he had done his best to defend his country. Thereafter, he wrote poems reproaching the Athenians for their irresolution. Niketas then transports us back to the thirteenth century, where he attempts to draw an analogy between Solon and a hypothetical individual who might have come to the rescue of Byzantium. He sadly reflects that as Solon's efforts had been in vain, so would those of one of his own generation who attempted to come to the aid of a state,

> whose emperors from the very beginning were nurtured in indolence, who snored in sleep more sweet than Endymion's and came ever earlier to dinner; so secluded were they from state affairs that they were wholly given over to such trivialities as demanding flowers in wintertime and fruit in the spring. The citizens, on the other hand, were concerned only with the business of commerce and trade; they neither rose from their beds at the sound of the war trumpets nor were they awakened by the singing of birds, but slept soundly without any knowledge of warfare.[14]

12 Nik.Chon., 76, 485. Cf. Plutarch, *Themistokles,* 3; *Marcellus,* 37.

13 Nik.Chon., 71; trans. Magoulias, 42.

14 Nik.Chon., 584; trans. Magoulias, 321.

Niketas' recourse to Plutarch in this particular passage cannot possibly be explained by rhetorical mimesis. It serves a moral and didactic purpose by pointing to historical precedent and clearly assigning responsibility for the present calamity. In a similar manner one should view Niketas' use of the Jewish historian Flavius Josephus in another important passage of the *History*. Following the defeat of the rebellion led by the *kaisarissa* Maria Komnene and her husband Renier of Montferrat against the regency regime of Maria of Antioch and Alexios Komnenos the *protosebastos* (1181), Niketas criticises the rebel leaders for seeking refuge in Hagia Sophia and converting its sacred precincts into a 'military camp'. He further accuses the imperial troops of sacrilege, having filled the house of prayer with bloody murder, and contrasts their lawless behaviour to that of the Roman general Titus who had besieged Jerusalem in ancient times, but spared no effort to preserve the temple of Solomon from destruction, as recounted by Josephus in his history of the *Jewish War*.[15] Although this is the only passage indicated by van Dieten, a further passage noted by Alexander Kazhdan reveals that Niketas described the siege of Didymoteichon by the Bulgarians (1206) with vocabulary and phrases taken from Josephus' account of the Roman siege of Jopata also in the *Jewish War*.[16] Thus Niketas' use of the ancient historian involves both literary mimesis and historical comparison: Byzantine readers of the *History* would have been able to compare the shameless behaviour of their own leaders with the exemplary stance taken by the Roman general Titus, and view the Bulgarian siege of Didymoteichon as a similar event to the notorious Roman siege of Jopata.

It is not difficult to see why Niketas was drawn to the works of Flavius Josephus. According to one scholar, 'Josephus follows the [Greek schools of historiography] in his adoption of fictitious speeches, digressions, moralising, psychologising, and painting events with epic, rhetorical, and above all, tragic hues'.[17] The same sentence could well have been written for Niketas Choniates whose style is distinguished by all the above features. Equally attractive from Niketas' perspective is Josephus' emphasis on the study of character and his stress on piety and the role of Divine Providence. As Josephus assigns blame to the wickedness of his own people and sees the Roman conquerors as agents of divine retribution, so Niketas condemns his fellow citizens and views the Latin conquest as the chastisement of God. As Josephus laments the fall of Jerusalem with recourse to Jeremiah, so Niketas laments the fall of Constantinople. The similar ideological perspectives of the two authors explain the historical analogies. In this context, similar sentiments but not identical phraseology can also be observed. Josephus refers to his compatriots as 'slaves, the scum and the spurious and abortive offspring of our nation'; Niketas calls Byzantium a nation that 'has lost counsel, spotted children and lawless offspring'.[18]

15 Nik.Chon., 241. Cf. Flavius Josephus, *Bellum Judaicum,* 6.24 ff.

16 A. Kazhdan, 'Looking Back on Antiquity: Three Notes', *GRBS* 24 (1983), 375–6.

17 L.H. Feldman, *Josephus' Interpretation of the Bible* (Berkeley and Los Angeles, 1998), 12.

18 Flavius Josephus, *Bellum Judaicum,* 5.442; Nik.Chon., 643.

Josephus condemns the generation of tyrants that sprung in his country as 'more fruitful in wickedness' than any other; Niketas decries the generation of tyrants in Byzantium as one that produced hemlock and brought utter ruin to the majority of the cities of the empire.[19] Needless to say, the inspiration for such sentiments originated in the Scriptures. Finally, it is important to note that Niketas was not alone in his appreciation of Josephus. The ancient historian was praised for his style by the Patriarch Photios, and traces of his work can be found in twelfth-century authors such as John Zonaras, John Tzetzes and Michael Glykas.[20]

One final ancient historian I would like to consider is Diodoros of Sicily. Although not highly regarded in the ancient world, this author was well known in Byzantium, where his universal history served as a model and a source of materials for similar compilations.[21] His style was praised by Photios as 'clear, unadorned and admirably adapted for history', while excerpts and citations from his massive work can be found in Eusebios of Caesarea, George the Synkellos, the *Excerta historica* of Constantine VII Porphyrogennetos and the Chiliades of John Tzetzes.[22] With regard to Niketas, Hienrich Lieberich long ago noted the striking textual parallels between the preface of the *History* and that of the *Historical Library* by Diodoros.[23] More recently, Carlo Mazzuchi identified Niketas as one of the annotators of a tenth-century manuscript of Diodoros now in the Vatican Library (*Vat. Gr 130*).[24] His commentary is dated to May–August 1203, that is, the period which witnessed the arrival of the fleet of the Fourth Crusade in Constantinople, the flight of Alexios III Angelos (1195–1203) and the accession of Isaac II and Alexios IV to the throne. It consists of emendations to the orthography, grammar and syntax of the text, critical remarks on its content in twelve-syllable verse lines and information on contemporary events. Among other things, the commentator-historian notes the poor condition of the Byzantine navy, the laxness and cowardice of the army, the pursuit of luxury, the drunkenness and indolence that had overtaken both emperors and citizens, and the complete failure of the imperial government in the face of foreign aggression. Needless to say that for all these comments parallel

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19 Flavius Josephus, *Bellum Judaicum,* 5.442; Nik.Chon., 292.

20 See J. Schamp, 'Flavius Josephus et Photios', *JÖB* 32 (1982), 185–96; H. Schreckenberg, *Die Flavius-Josephus-Tradition in Antike und Mittelater* (Leiden, 1972).

21 A. Momigliano, 'Tradition and the Classical Historian', *History and Theory* 11/3 (1972), 286.

22 Cited in B. Croke, 'Tradition and Originality in Photius' Historical Reading', in J. Burke et al., eds, *Byzantine Narrative: Papers in Honour of Roger Scott* (Melbourne, 2006), 67.

23 H. Lieberich, *Studien zu den Proömien in der griechischen und byzantinischen Geschichtsschreibung,* T.2. *Die byzantinishen Geschichtsschreiber und Chronisten* (Munich, 1900), 28–30.

24 C. Mazzucchi, 'Leggere i classici durante la catastrophe (Constantinopoli, Maggio-Augusto 1203): Le note marginali al Diodoro Siculo Vaticano GR. 130', *Aevum* 68 (1994), 165–218; 69 (1995), 200–58.

passages have been found in Niketas' *History*.[25] This striking discovery allows us to surmise that Niketas not only knew the work of Diodoros first hand, but that he had studied him carefully.

To return to the similarities in the preface, it is true that mimesis of ancient authors is most detectable in these formal introductions to Byzantine histories, but that does not necessarily mean that the imitation is merely rhetorical. The textual parallels between the two authors are especially prevalent in the first section of Niketas' preface where the Byzantine historian, like his ancient predecessor, outlines his philosophy of history. Both authors begin with the idea of the public utility of history (*κοινωφελές* in Niketas and *ὠφελῆσαι τὸν κοινὸν βίον* in Diodoros) and explain the didactic purpose of historical narratives. For Niketas, the most valuable lesson gained from history is knowledge of the past events and customs (*τὰ ἀρχαῖα καὶ ἔθη*) through which human nature is elucidated and variety of experience is presented. By exposing the achievements of noble men and testifying to the evil deeds of the wicked, history induces those who incline towards nobility to become better and those who incline towards evil to become moderate. For men, although mortal, are immortalised through history, and the virtuous achieve good fame while the wicked are condemned.[26] This idea is expounded upon in detail by Diodoros, who defines history as the guardian of virtue and witness of evil. The reward for mortal labours is immortal fame; history urges men to justice and denounces evil; she teaches the correction of error through examples of wickedness and the imitation of excellence through virtue.[27]

This utilitarian view of history was commonplace in the ancient world and in Byzantium. For Diodoros, the moral and didactic purpose of history is not a rhetorical *topos* in his polished preface, but an idea stressed repeatedly throughout his *Historical Library*. Divine Retribution always overtakes the arrogant, the lawless and the impious; the instability of Fortune always leads to sudden changes and reversals in the circumstances of men; and examples of virtue and vice are always cited for ethical instruction and even entertainment.[28] In a similar manner, Niketas upholds the principles of the public utility, moral instruction and didactic purpose of historical narratives issued in the programmatic statement of his preface. His historical characters are praised for their virtues and censured for their vices; Divine Retribution and Fortune are dominant forces in the lives of men; and good and evil are juxtaposed for the purposes of moral instruction and entertainment. To cite a few examples, when relating the conspiracy hatched by the devious *logothete* John Kamateros against his colleague Theodore Styppeiotes, Niketas tells us that he inserts these events into his history in order to demonstrate

[25] Mazzuchi, 'Leggere i classici', (1995), 208, 224–6, 209, 232–4, 211, 244–5, 213, 245–9.

[26] Nik.Chon., 1.5–2.22.

[27] Diod. Sic. I 2.2–4, 2.8.

[28] See P.J. Stylianou, *A Historical Commentary on Diodorus Siculus, Book 15* (Oxford, 1998), 3–14.

how unreasonable a thing is wickedness and how difficult it is to guard against it. He ends his narration of the episode with the hope that it was 'not without profit, charm and grace' for his audience.[29] On another occasion, he claims that Divine Justice visited the sycophants who had wrongfully accused the *protostrator* Alexios Axouch of treason and laid different punishments on each of them.[30] Finally, he marvels at the reversal of Fortune suffered by the insolent *protosebastos* Alexios Komnenos, who once ruled the empire but was now a captive without saviour or redeemer.[31]

Niketas also proposes to describe with clarity human nature (*ἀνθρώπεια*) and set forth a variety of experiences (*πολυπειρίαν*). In criticising his predecessors who have restricted themselves to military affairs, Diodoros argues that history has the greatest value when it embraces a vast number and variety of circumstances.[32] This principle, inherent in the tradition of universal histories (*κοινάς ἱστορίας*), is also upheld by Niketas, whose narrative encompasses a variety of themes in addition to courtly and military affairs: theology, the occult sciences, justice and charity, art and architecture, as well as strange occurrences and disturbances in everyday life that capture his attention. If Niketas and Diodoros seem to have shared similar values and perspectives, distinct echoes of the ancient author's presentation of historical figures and events are also found in Niketas' text. The most obvious example is the Byzantine historian's depiction of the tyrant Andronikos I Komnenos. During the siege of the rebellious city of Nicaea (1184), Niketas tells us that Andronikos contrived of an inhuman deed which had been executed by both besiegers and besieged in the past. He placed a certain noblewoman, Euphrosyne Kastamonitissa, as a human shield on the siege engine and moved it up to the walls of the city.[33] A similar stratagem was conceived by the infamous tyrant of Sicily, Agathokles, who used prisoners of war as human shields during the siege of Utica.[34] In the end, the besieged had to weigh the freedom of the city against the salvation of the luckless prisoners, and so reluctantly discharged their arrows against their own men. Not so in Niketas' story where the defenders of Nicaea discharged their arrows with great care so as not to harm the noblewoman; and she, as though by gesturing with her hands and nodding, deflected the arrows away from herself and transfixed them into the hearts of the enemy. We may wonder whether Niketas' aim was to compare the siege of Nicaea with the siege of Utica as he had compared the battle between the Crusaders and the Turks with the battle between the Romans and the Cimbri. Although he mentions neither Plutarch nor Diodoros, he does allude to the incidents they described.

[29] Nik.Chon., 111, 115.

[30] Nik.Chon., 146.

[31] Nik.Chon., 249.

[32] Diod. Sic. I 3.2.

[33] Nik.Chon., 282–3.

[34] Diod.Sic., XX.54.

There are also some similarities in the characters of Agathokles and Andronikos in that they were both famous escape artists and cunning strategists. In order to trick the Carthaginians into believing that he had a much larger army, Agathokles ordered his soldiers to burn many watch fires throughout the night.[35] Andronikos is said to have used the same stratagem when he encamped across from Constantinople.[36] Both men were partial to torture and execution (especially roasting people alive) and because of this both were compared to the tyrant Phalaris, far-famed for his excessive cruelty.[37] Their savagery was even witnessed by the sea, which in Agathokles' case was stained with the blood of his victims, and in Andronikos' case was defiled by the bodies of the innocent.[38] In the end, both are visited by Divine Retribution and punished in the most gruesome manner because of their lawlessness and inhumanity.[39] Since Niketas' imitation of Diodoros in such cases is non-explicit, we cannot rule out the possibility that he used other sources. His portrait of Andronikos, a mosaic drawn from a variety of ancient and biblical authorities, is so skilfully accomplished that it still mystifies modern scholars who continue to search for Niketas' inspiration among Homer, the Scriptures, and if the above supposition is correct, ancient historians.[40]

I would like to conclude with some general remarks. Niketas' mimesis of the writers of the Second Sophistic is most obvious in his literary style and method of characterisation. In contrast, his use of ancient historians appears to have been more ideological than stylistic. The selection of Plutarch, Flavius Josephus and Diodoros of Sicily was by no means coincidental. Niketas' mimesis of these writers is detectable not only in textual parallels and historical analogies, but perhaps more importantly in values and perspectives. The moralising and didactic function of history, the praise and censure of leading individuals and the role of Divine Providence and Fortune are proclaimed aloud by the Byzantine historian who, in this sense, locates himself within the tradition of post-classical historiography. It is perhaps fitting here to recall that Romilly Jenkins traced 'the best and most enduring in Byzantine Historiography' to the principles and practices of Hellenistic historians.[41] In order to demonstrate that Byzantine historians were profoundly

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[35] Diod.Sic., XX.17.

[36] Nik.Chon., 246.11–15.

[37] Nik.Chon., 312; Diod.Sic., XX.71.

[38] Diod.Sic., XX.72; Nik.Chon., 348.

[39] Diod.Sic. XX.101. Nik.Chon., 347 ff.

[40] See A. Vasilikopoulou, 'Ἀνδρόνικος ὁ Κομνηνὸς καὶ Ὀδυσσεύς', *Ἐπετηρὶς Ἑταιρείας Βυζαντινῶν Σπουδῶν* 37 (1969–70) 251–9; R. Maisano, 'I poemi Omerici nell'opera storica di Niceta Coniata', in F. Montanari and S. Pittaluga, eds, *Posthomerica II- Tradizioni omeriche dall'Antichita al Rinascimento* (Genoa, 2000), 41–53; N. Gaul, 'Andronikos Komnenos, Prinz Belthandros und der Zyklop: Zwei Glossen zu Niketas Choniates' Chronike diegesis', *BZ* 96 (2003), 623–60; R. Saxey, 'The Homeric Metamorphoses of Andronikos Komnenos', in *Niketas Choniates*, 121–43.

[41] R. Jenkins, 'The Hellenistic Origins of Byzantine Literature', *DOP* 17 (1963), 37–52.

aware of the significance and dignity of their craft, Jenkins used the words of none other than Niketas Choniates, who defined history as 'the very best and most beautiful invention of the Hellenes' (*τὸ βέλτιστον χρῆμα... καὶ κάλλιστον εὕρημα τῶν Ἑλλήνων*).[42] The fact that Niketas does not select a particular model for imitation is not surprising for a historian of his rare talent.

His employment of the ancient heritage is for the most part non-explicit and consciously eclectic: he uses Philostratos and Eunapios for his character portraits, Lucian for his satirical humor, the paroemiographers for his proverbial wisdom, and Josephus, Diodoros and Plutarch for his historical analogies and perspectives. It is also important to note the context in which these ancient historians were employed: Josephus' description of the Roman conquest of Jerusalem fits well with Niketas' vision of the Latin conquest of Constantinople; Diodoros' portrait of the tyrant Agathokles inspires Niketas' portrait of the tyrant Andronikos; and Plutarch's *Life of Solon* provides Niketas with a didactic tale that presents guidance from the past. It is precisely from this type of mimesis that the status and quality of the *History* derive, and Niketas is able to demonstrate quite clearly both his adherence to and his mastery of the ancient tradition.

[42] Nik.Chon., 580.

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‘And many, many more’: A Sixteenth-Century Description of Private Libraries in Constantinople, and the Authority of Books

Marc D. Lauxtermann

καὶ ἄλλα πολλά εἰσιν βιβλία πολλὰ πολλά

The Latin term ‘auctoritas’ has many meanings and connotations, and some of these are still partially reflected in words derived from it, such as ‘authority’ and ‘authorship’, ‘authoritative’ and ‘authorial’. However, the mere fact that nowadays authorities may speak in an authoritative manner without possessing a necessarily authorial voice and authors may have an authorial presence without necessarily being authoritative, in itself indicates that, despite their common ancestor, the dialectical twins, ‘authority’ and ‘authorship’, have drifted apart in modern times. In the Middle Ages, one of the most common etymologies of the word ‘auctor’ (‘autor’, ‘autore’) is that it derives from the nonsensical Greek ‘autentim’,[1] which I assume to be the accusative form of αὐθέντης. This word indeed means ‘master’ or ‘ruler’ in later Greek. In ancient Greek, however, it has a radically different meaning: it means ‘perpetrator’ and even ‘murderer’. So, the modern authority is the ancient perpetrator, and somehow one is reminded of original sin, the primordial misdemeanour that forms the commencement of history as we know it. The root of authority/authorship is crime: it all started with the apple in paradise, with life on earth which was forced upon us, with the creation of human society as the lesser of evils in a threatening outside world. Is Eve our first author? And Adam our first reader? And is reading in itself a re-enactment of original sin: are we eating the forbidden fruit when we indulge in the pleasure of reading?

These are admittedly difficult questions, and it is with great relief, therefore, that I turn to the following quote:

> Βιβλίον τοῦ ἁγίου καὶ δικαίου Λαζάρου· ὁ ὁποῖος Λάζαρος ἔκαμε τέσσαρες ἡμέρες εἰς τὸν Ἅιδην, καὶ ὡσὰν τὸν ἐσήκωσε ὁ Χριστός, ἐξηγήθη εἰς τέσσαρα βιβλία· καὶ ἰδόντας αὐτὰ οἱ ἀπόστολοι καὶ οἱ πατέρες, ἔκρυψαν

[1] A.J. Minnis, *Medieval Theory of Authorship: Scholastic Literary Attitudes in the Later Middle Ages* (London, 1984), 10.

> τὰ τρία καὶ δὲν ηὑρίσκονται· τὸ δὲ πρῶτον βιβλίον τοῦτο ἔνε εἰς τὴν ῾Ρώμην· καὶ ἤκουσα ἐκ τὸν Σάντα Κροῦζε τὸν γαρδηνάλε, ὅτι πᾶσα ὁποῦ νὰ γένη νέος καρδηνάλες, τοῦ τὸ δίδουνε καὶ τὸ διαβάζει μία φορά, καὶ ἄλλον ἄνθρωπον δὲν τὸ δείχνουν.[2]

> The book of the holy and just Lazarus: This Lazarus stayed four days in Hades, and when Christ raised him, he wrote an account in four books. But when the apostles and the fathers saw these books, they hid three of them and these are not to be found. The first of these books, however, is in Rome, and I have been told by Santacroce, the cardinal, that they give it to whoever is to become cardinal, and he reads it once, but they do not show it to anyone else.

This is clearly an apocryphal story, and I regret to say that until now I have not been able to trace the source for this miraculous book of Lazarus.[3] However, the informant mentioned in this entry, cardinal Santacroce, is real enough: this is Prospero Santacroce, bishop of Kisamos in Crete, who became cardinal in 1565.[4] Whether he came up with this story before or after becoming cardinal, is not known – but it is fair to assume that it served the purpose of strengthening the claim to papal primacy by suggesting that the Church of Rome possessed the personal testimony of Lazarus.

However, much stranger than the apocryphal story itself and the role played by Cardinal Santacroce (if he is indeed the person who fabricated the whole thing), is the fact that the same book of Lazarus which was allegedly kept hidden and sealed from all eyes, put away in the secret archives of the Vatican, never to be seen by anyone other than future cardinals, happened to be for sale in Constantinople in the sixties of the sixteenth century. Interested? For more information, please ask Manuel Malaxos, the grammarian/notary responsible for the catalogue, of which the book of Lazarus forms the first entry, or send a letter to John Malaxos, the scribe who copied the catalogue.

Philology is meticulous and tedious – so please allow me to be both. The manuscript is Vind. Hist. gr. 98, copied by John Malaxos in the third quarter

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2 R. Foerster, *De antiquitatibus et libris manuscriptis Constantinopolitanis commentatio* (Rostock, 1877), 19, G. Przychocki, *De Menandri comici codice in Patriarchali bibliotheca Constantinopolitana olim asservato* (Krakow, 1938), 34 and G.K. Papazoglou, *Βιβλιοθήκες στην Κωνσταντινούπολη του ιστ´ αιώνα (κωδ. Vind. Hist. gr. 98)* (Thessaloniki, 1983), 379. All three editors print: τοῦτο δίδουνε, which is clearly wrong.

3 See Papazoglou, *Βιβλιοθήκες*, 182–4.

4 See Foerster, *De antiquitatibus et libris*, 6 and Papazoglou, *Βιβλιοθήκες*, 71. G. De Gregorio, 'Studi su copisti greci del tardo cinquecento. II. Ioannes Malaxos e Theodosios Zygomalas', *Römische Historische Mitteilungen* 38 (1996), 189–268, at 234–5, identifies Σάντα Κροῦζε with Marcello Cervini, cardinal of Santa Croce – but first of all, I am not certain whether the Greek supports this interpretation, and secondly, Cervini became pope in 1555 (Marcellus II), and one would expect a person to be identified with his latest title, especially if he is none less than the pope.

of the sixteenth century.[5] It contains the following works: a collection of seven verse inscriptions with a historical commentary ('Antiquitates'), and a description of private libraries in Constantinople, namely the collections of Κωνσταντῖνος Βαρῆνος (45 items), Ἰάκωβος Μαρμαρέτος (22 items), Ἰωάννης Σοῦτζος (24 items), an anonymous collection (174 items), the collections of Ἀντώνιος Καντακουζηνός (44 items), Μανουὴλ Εὐγενικός (33 items), Μιχαὴλ Καντακουζηνός (57 items) and a collection in Rhaidestos (176 items).[6] This is what the manuscript looks like:

folios	**quires**	**blank pages**	**collection**
fol. 1–7, 7/1	quaternion	7ᵛ, 7/1ʳ⁻ᵛ	(1) 'Antiquitates'
fol. 8–12, 12/1	ternion	8ʳ + 12ᵛ, 12/1ʳ⁻ᵛ	(2) Βαρήνου
fol. 12/2, 13–15, 15/1–4	quaternion	12/2ʳ⁻ᵛ + 15/1–4ʳ⁻ᵛ	(3) Μαρμαρέτου
fol. 15/5, 16–18, 18/1–2	ternion	15/5ʳ⁻ᵛ + 18/1–2ʳ⁻ᵛ	(4) Σούτζου
fol. 19–31, 31/1–3	2 quaternia	19ʳ + 31ᵛ, 31/1–3ʳ⁻ᵛ	(5) 'grammaticus'
fol. 31/4, 32–6, 36/1–2	quaternion	31/4ʳ⁻ᵛ + 36/1–2ʳ⁻ᵛ	(6) Ἀντ. Καντακουζηνοῦ
fol. 37–42	ternion	37ʳ + 42ᵛ	(7) Εὐγενικοῦ
fol. 43–50	quaternion	43ʳ + 50ᵛ	(8) Μιχ. Καντακουζηνοῦ
fol. 51–4	binion	–	(9) ἐν Ῥαιδεστῷ

Each of the collections is copied in a separate booklet, either a quaternion or a ternion or a binion; please note, apart from the rather odd pagination, the many blanks in this manuscript – each quire has a number of blank pages at the end or at the beginning and the end, with one exception: the Rhaidestos collection. This last quire is different from the rest in more than one respect: the handwriting is slapdash and sloppy, and whereas the other quires have 18 to 20 lines per page, this one has 22.[7] This is why, until quite recently, people were under the impression that the manuscript had been copied by two scribes instead of just one. However, as De Gregorio has demonstrated in a recent publication, John Malaxos had two styles of writing, a more formal one and a more informal one, and according to De

5 For the manuscript, see Papazoglou, *Βιβλιοθήκες*, 63–78 and De Gregorio, 'Ioannes Malaxos', 231–7. O. Kresten, 'Nugae Syropulianae', *Revue d'Histoire des Textes* 4 (1974), 75–138, at 117–18, n. 4, and idem, *Eine Sammlung von Konzilsakten aus dem Besitze des Kardinals Isidoros von Kiev* (Vienna, 1976), 92, n. 257, was the first to identify the handwriting of John Malaxos.

6 Foerster, *De antiquitatibus et libris*, 14–31, prints all the texts in the Viennese manuscript. Przychocki, *De Menandri codice*, 34–42, prints the catalogue of the 'grammaticus'. Papazoglou, *Βιβλιοθήκες*, 371–409, prints the texts of all the catalogues, but without the 'Antiquitates'.

7 See Foerster, *De antiquitatibus et libris*, 5–6, Przychocki, *De Menandri codice*, 10 and Papazoglou, *Βιβλιοθήκες*, 67.

Gregorio, there is no doubt that Malaxos copied the whole manuscript.[8] Of course, this does not mean that we should overlook the crucial fact that the scribe changes his ductus and style of writing towards the end, for, as we shall see, the description of the manuscripts in Rhaidestos differs markedly from the other inventories.

To return to the many blank pages in this manuscript, seeing that each catalogue is not only found in a quire of its own, but is also protected from wear and tear by blank pages at the beginning and the end of each quire, it is reasonable to assume that Malaxos, when copying these texts, factored in the possibility that these inventories might circulate as separate booklets.

The manuscript in Vienna is not our only evidence for these private libraries in Constantinople. We also have a translation of the texts into Latin by a professor of Greek at the University of Freiburg, Johann Hartung or (in the Latinate form) Hartungus, a translation that was published anonymously in Strasbourg in the year 1578.[9] This translation differs from the Viennese manuscript in four respects: it presents the collections in a different order, it contains a collection absent from the manuscript in Vienna, it does not contain the Rhaidestos collection, and it provides a title for the large anonymous collection. Hartung's translation starts with the inventory of the anonymous collection allegedly made by a certain 'grammaticus', then proceeds with the library of the Patriarch,[10] and then lists the private libraries in an order different from the one given in the manuscript in Vienna.[11] Neither the different order of the listings nor the fact that the patriarch's

[8] De Gregorio, 'Ioannes Malaxos', 232–4.

[9] *Bibliotheca sive Antiquitates urbis Constantinopolitanae* (Argentorati, 1578). The book was printed by Nicolaus Wyriot and edited by Georgius Calaminus (Georg Röhricht); the latter wrote an epigram praising Hartung for his scholarly work and his philhellene sentiments, while lamenting that the *orbis terror*, the Turks, had turned Constantinople into a cultural wasteland (on page A ii^{r}). On Hartung (1505–1579), see E. Jacobs, 'Johann Hartung zum Gedächtnis', in *Aus der Werkstatt: Den deutschen Bibliothekaren zu ihrer Tagung in Freiburg Pfingsten MCMXXV, dargebracht von der Universitätsbibliothek* (Freiburg, 1925), 87–97. In the years after 1578, the information provided by Hartung was plagiarised by other humanists: Michael Neander in 1582, Ant. Verderius in 1585, Ant. Possevinus in 1608, and Rigoley de Juvigny in 1773: see Papazoglou, *Βιβλιοθῆκες*, 81–9.

[10] According to the title, this library contained 55 volumes: catalogus librorum R. Domini Patriarchae Constantinopolitani continens libros quinquaginta quinque; but the catalogue itself lists only 51 entries.

[11] Hartung's book contains the following 9 items: (1) Antiquitates Urbis Constantinopolitanae (=no. 1 in Vind. Hist. gr. 98), (2) Ex catalogo librorum hinc inde extantium a grammatico exhibito (=no. 5), (3) Catalogus librorum R. Domini Patriarchae Constantinopolitani (not found in the Viennese manuscript), (4) Catalogus librorum Reverendi Domini Constantini Barini (=no. 2), (5) Catalogus librorum Ill. Principis Domini Antonii Cantacuseni (=no. 6), (6) Catalogus librorum Illustriss. Domini Michaëlis Cantacuseni (=no. 8), (7) Catalogus librorum Illustriss. Principis Domini Iacobi Marmoretae (= no. 3), (8) Catalogus librorum Illustriss. Principis Domini Ioannis Suzi (= no. 4), (9) Catalogus librorum Illustriss. Principis Domini Manuelis Eugenici (= no. 7).

library is nowadays missing in the Viennese manuscript, poses a serious problem. As the library catalogues circulated in separate quires, it is quite understandable that one of these catalogues got lost and that the remaining catalogues changed places. But the absence of the Rhaidestos collection does pose a problem: if the Viennese manuscript is the source used by Hartung, why did he not translate the last few pages? Papazoglou wants us to believe that the last quire was added to the manuscript at a much later stage and that Hartung translated all the texts in the manuscript as it was in 1578 or slightly before.[12] However, if Malaxos is the scribe of the whole manuscript, including the last quire containing the Rhaidestos collection, how credible is this assumption?

The most serious problem with seeing a direct connection between Hartung and the Viennese manuscript, however, is a small but significant detail, and this is the title given to the anonymous collection in Hartung's translation: 'ex catalogo librorum hinc inde extantium a grammatico exhibito'. As this is really awful Latin, all scholars who have studied the description of libraries in Constantinople have assumed that it is a not very succesful translation from Greek. This is what Przychocki and Papazoglou make of it: τάδε ἑξῆς βιβλία ἐκ τοῦ καταλόγου παρὰ τοῦ γραμματικοῦ *κατασκευασμένου* (sic); the Greek is as awful as the Latin, and surely cannot be correct.[13] As Paul Maas noted, the nonsensical 'hinc inde' is translated Greek: it is a rendering of ἔνθεν κἀκεῖθεν.[14] The original Greek text must have been something like this: ἐκ/ἐξ καταλόγου/ἀπογραφῆς/καταγραφῆς βιβλίων ἔνθεν κἀκεῖθεν εὑρισκομένων ὃν/ἣν ἐξέθετο ὁ γραμματικός/ὑπογραμματεύς/νοτάριος. More important than the correct translation, however, is the fact that if Hartung translated a Greek title, which cannot be found in the Viennese manuscript, it logically follows that he did not use this particular manuscript for his translation. He must have used another manuscript.[15]

This is also corroborated by the fact that in 1578, the year Hartung published his translation, the Viennese manuscript was one of the many manuscripts of the Hungarian humanist Sambucus being auctioned in Vienna.[16] In other words, in 1578 the manuscript was in Vienna, and not in Freiburg where Hartung lived.

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12 Papazoglou, *Βιβλιοθήκες*, 72.

13 Przychocki, *De Menandri codice*, 13, and Papazoglou, *Βιβλιοθήκες*, 65 and 73.

14 P. Maas, 'Critical Review of G. Przychocki, De Menandri comici codice', *BZ* 38 (1938), 409–12, at 410. Cf. the paraphrasis by Michael Neander (see above, n. 9): 'apud diversos autem christianos graecos homines Constantinopoli reperiuntur 170', quoted by Papazoglou, *Βιβλιοθήκες*, 82; Neander clearly interprets 'hinc inde' as 'in various private collections'.

15 In the margins to his edition, Hartung often remarks that he struggled with the Greek and found the original 'obscure', even where the corresponding text in Vind. Hist. gr. 98 is crystal clear. Particularly interesting is his remark on page F i^{r} that the text is obscure 'ob abreviaturam', where the corresponding text in the Viennese ms. (collection 4, entry ε΄) does not have an abbreviation or unusual ligature.

16 See H. Menhardt, *Das älteste Handschriftenverzeichnis der Wiener Hofbibliothek von Hugo Blotius 1576: Kritische Ausgabe der Handschrift Series Nova 4451 vom Jahre 1597 mit*

So at least two manuscripts of these catalogues circulated in western Europe in 1578: the Viennese manuscript and the manuscript used by Hartung for his translation. There may even have been more. In 1571 the Viennese antiquarian, Jacopo Strada, wrote to the Duke of Mantua, telling him that his son Paolo who had accompanied the Habsburg ambassador to the Sublime Porte had sent him 'tutti gli inventarij de libri Greci che sono in tutte quelle librarie Greche di Constantinopoli' ('all the inventories of Greek books that are in all those Greek libraries of Constantinople').[17] As it is hardly likely that in the seventies of the sixteenth century there were multiple descriptions of all the private libraries in Constantinople, this must be the same text we find in the Viennese manuscript and in Hartung's translation. It cannot be excluded that Strada's manuscript was bought by either Sambucus or Hartung. But it could also be a third copy.

As Strada possessed a copy of these catalogues in 1571 and as Santacroce, the one who allegedly invented the story about the legendary book of Lazarus, became cardinal in 1565, it is reasonable to assume that these inventories were drawn up sometime between 1565 and 1571.[18] Likewise, the watermarks in Vind. Hist. gr. 98 suggest that the manuscript was copied in 1565 or shortly afterwards.[19]

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vier Anhängen (Vienna, 1957), 22, who points out that codex Sambuci 328 is Vind. Hist. gr. 98. Please note that the ms. was not sold in 1578, but remained in the possession of Sambucus and, later, his heirs. For the whereabouts of the ms. in the early 17th century: see, below, n. 29.

[17] See R.H.W. Stichel, 'Zu den verschollenen griechischen Handschriften des kaiserlichen Botschafters bei der Hohen Pforte Karel Rijm (1533–1584)', *Museum Helveticum* 47 (1990), 235–48, who quotes at 244–5 a letter from Jacopo Strada to the Duke of Mantua, Guglielmo Gonzaga (20 November 1571): '(Mi figliolo il canonico) me à anche mandato tutti gli inventarij de libri Greci che sono in tutte quelle librarie Greche di Constantinopoli, de li quali creddo se ne averia bonissima conditione, quando si volessero comprare, e quando fossero in queste bande saria un thesoro, si che s'io potesse persuadere al excellentia vostra illustrissima che non selli lasasse ussir de le mani, lo faria voluntieri, perchè dal signor ambassadore più volte raggionando del excellenzia vostra sempre me à predicato il bellissimo animo suo, e non aver mai conossiuto principe che più in generale si diletti de belle cose come fa l'excellenzia vostra illustrissima. Apressi a questi libri Greci, io la potria far servire del suplimento de Latini, et con bonissimo mercato, a tale faria un suntuosissima libraria con non molto spesa'.

[18] According to De Gregorio, 'Ioannes Malaxos', 235–7, the fact that Vind. Hist. gr. 98 was once owned by Johannes Sambucus proves that the ms. was purchased in 1564 in Constantinople, together with other Greek mss. that ended up in the library of Sambucus via Nicholas Turrianos and Andreas Darmarios (among which Vind. Hist. gr. 99, a ms. that is bound together with Vind. Hist. gr. 98 in one volume). But surely there may have been more occasions for Sambucus to buy Greek manuscripts than just once?

[19] See P. Schreiner, 'John Malaxos (16th Century) and his collection of *Antiquitates Constantinopolitanae*', in N. Necipoğlu, ed., *Byzantine Constantinople: Monuments, Topography and Everyday Life* (Leiden, Boston and Cologne, 2001), 203–14, at 207.

Although there may have been three manuscripts in the west in the 1570s, the Viennese one, the manuscript that was at the disposal of Hartung, and the one Jacopo Strada possessed, there is no need to believe that these manuscripts had been copied by different scribes. One of the things one immediately notices when one turns to the manuscripts executed by John Malaxos is that this was a scribe who was in the habit of copying the same texts over and over: for instance, the chronicle of Manasses, prophecies and oracles, short medical and botanical texts, descriptions of monuments and antiquities in Constantinople, and collections of epigraphical material. However, not only did Malaxos copy these texts in more than one manuscript, but as has been argued on good grounds, he was also the author of some of these texts, such as the *Diegesis* of the Column in the Xerolophos published by Dagron and Paramelle,[20] the description of the city gates published first by Preger and then by Schreiner,[21] the description of the Pammakaristos published by Schreiner,[22] and a glossary of botanical terms in vulgar Greek, which is still unedited.[23] The collection of verse inscriptions, which precedes the library catalogues in the Viennese manuscript, is found in four other manuscripts as well, and all of these have been copied by John Malaxos.[24] The historical commentary on these verse inscriptions, written in the hybrid kind of Greek typical of John Malaxos –partly lowbrow Byzantine Greek, partly vernacular – and displaying the same antiquarian interests as the rest of his writings, is bound to be his. Likewise, it is reasonable to assume that at least some of the descriptions of the private libraries in Constantinople are to be attributed to John Malaxos.

If one examines the contents of these catalogues, it is clear that the catalogue drawn up by the 'grammaticus' overlaps to a large degree with the descriptions of other private libraries, notably those of the Patriarch and Michael Kantakouzinos.[25] The same goes for the description of the manuscripts in Rhaidestos: most of them can be retrieved in the other catalogues and/or are identical with the manuscripts

[20] G. Dagron and J. Paramelle, 'Le 'Récit très merveilleux et très beau et profitable sur la colonne de Xèrolophos', *TM* 7 (1979), 491–523.

[21] Th. Preger, 'Studien zur Topographie Konstantinopels IV', *BZ* 21 (1912), 461–71; P. Schreiner, 'Eine unbekannte Beschreibung der Pammakaristoskirche (Fethiye Camii) und weitere Texte zur Topographie Konstantinopels', *DOP* 25 (1971), 217–48, at 241–46.

[22] Schreiner, 'Eine unbekannte Beschreibung', 221–6. See C. Mango, 'The monuments and its history', in H. Belting, C. Mango and D. Mouriki, *The Mosaics and Frescoes of St. Mary Pammakaristos (Fethiye Camii) at Istanbul* (Washington, 1978), 1–42, at 16–18, and A. Effenberger, 'Zu den Eltern der Maria Dukaina Komnene Branaina Tarchaneiotissa', *JÖB* 57 (2007), 169–82.

[23] On John Malaxos as a scribe and an author, see De Gregorio, 'Ioannes Malaxos', *passim*, and Schreiner, 'John Malaxos', 203–14.

[24] The 'Antiquitates' in Vind. Hist. gr. 98 are also found in Vind. Hist. gr. 94, and (partially) in Cant. Trin. Coll. O. 2.36, Vind. Hist. gr. 80 and Vind. Med. gr. 43: see De Gregorio, 'Ioannes Malaxos', passim.

[25] See Przychocki, *De Menandri codice*, 13–15 and Maas, 'Critical Review', 410.

described by the 'grammaticus'.[26] In other words, these two catalogues do not describe a single library, but form an inventory of manuscripts found in different libraries in Constantinople. It is unclear why the person responsible for the inventory of the Rhaidestos manuscripts maintains that these were really to be found there. Just as modern Tekirdag, Rhaidestos was a provincial town – hardly the place where one would expect to find numerous Byzantine manuscripts either before or after 1453. And the few manuscripts that can be traced back to Rhaidestos[27] only prove the obvious, which is that the episcopal library at no point in its history contained the wealth of manuscripts described in the Viennese manuscript. It is simply a hoax.

The method of cataloguing adopted in the Rhaidestos catalogue differs markedly from the other ones: it is basically a list of summary titles and authors, and does not provide any information on the manuscripts. Neither does the catalogue that describes the collection of Varinos, but this catalogue at least offers full title descriptions. In sharp contrast, the catalogues of the collections of Marmoretos, Soutzos, Antonios and Michael Kantakouzinos and the 'Patriarch' provide detailed information, not only on the contents of the manuscripts, but also on the manuscripts themselves: whether they are made of parchment, oriental paper or western paper, whether these manuscripts are illuminated or not, and whether they are actually manuscripts or printed books. Occasionally they may add some extra information on the size of the manuscripts, their age, the state they are in: whether they are complete or have lost some folios at the beginning or the end. The 'grammaticus' and the cataloguer responsible for the description of Eugenikos' collection stand midway between the thoroughness of these catalogues and the lack of information in the Rhaidestos catalogue. The 'grammaticus' and the 'Eugenikos' cataloguer may not mention the sort of paper used or the presence of miniatures, and they may not differentiate between manuscripts and printed books, but they do offer some information on the material side of things: whether the manuscript is big and old, whether it misses some of its folios, whether it presents the whole text or not.

Can we identify the cataloguers? As John Malaxos is more than just a scribe paid to copy the works of ancient and Byzantine authors but regularly copies texts written by himself, it is reasonable to assume that the main core of the manuscript, the descriptions of the collections of Marmoretos, Soutzos, Antonios and Michael Kantakouzinos and the 'Patriarch' are in fact his. He is the one responsible for these five catalogues. But as for the other collections of manuscripts, he made use of existing catalogues, which he simply copied. As he closely cooperated with Manuel Malaxos, most probably a relative of his, it is very likely that the 'grammaticus' who composed this generic catalogue is Manuel Malaxos, who used to be a 'notarios'.[28]

[26] See Maas, 'Critical Review', 410 and Papazoglou, *Βιβλιοθήκες*, 162–78.

[27] See Papazoglou, *Βιβλιοθήκες*, 178–82.

[28] On Manuel Malaxos, see G. De Gregorio, *Il copista greco Manouel Malaxos. Studio biografico e paleografico-codicologico* (Vatican City, 1991), and idem, 'Studi su copisti greci del tardo cinquecento. I Ancora Manuel Malaxos', *Römische Historische Mitteilungen* 37 (1995),

It cannot be excluded that the collection of Eugenikos was described by Manuel Malaxos, perhaps with some help of John, but this is not certain. The catalogue of Varinos' manuscripts is certainly not the work of John or Manuel Malaxos, and neither is that of the manuscripts in Rhaidestos.

Let me summarise the findings up to this point. Vind. Hist. gr. 98 is a manuscript copied by John Malaxos between 1565 and 1571, and owned by John Sambucus (and his heirs) before it entered the imperial library in Vienna.[29] It contains a commentary on seven verse inscriptions and a description of private libraries in Constantinople. Most of the texts are the work of Malaxos himself, with the exception of a catalogue of books in Constantinople drawn up by a relative of his, Manuel Malaxos, the 'notarios'/'grammaticus', and a number of catalogues that cannot be attributed to anyone specific: the collection of Eugenikos' manuscripts (perhaps the work of Manuel and John, but that is not certain), the collection of Varinos' manuscripts (clearly the work of someone else, perhaps Varinos himself) and the Rhaidestos collection. The Viennese manuscript was not the only manuscript of its kind: there was Hartung's manuscript, there was Strada's manuscript, and there may even have been more copies circulating in western Europe.

One may find information on three of these Constantinopolitan private libraries in other sources as well. Firstly, in 1540 a certain Dimitrios Marmoretos living in Venice tried to sell the manuscripts that his brother Iakovos, who lived in Constantinople, possessed; he had told the French ambassador in Venice, Guillaume Pellicier, that his brother owned 60 to 80 manuscripts.[30] The collection of Iakovos Marmoretos in Vind. Hist. gr. 98 consists of 22 titles only: had he sold the rest, or was his brother Dimitrios perhaps exaggerating when he referred to c. 60 to 80 volumes? Secondly, according to John Malaxos, in 1565–1571 the library of Antonios Kantakouzinos contained 54 manuscripts; according to Stephan Gerlach, who visited this same library in 1578 when it was in the hands of Antonios' son, Georgios, it contained just 28 volumes,[31] five of which can perhaps

97–144. On other members of the Malaxos family, see Chr. Gastgeber, 'Neues zur Familie der Malaxoi. Zwei autographe Schreiben von Nikolaos und Staurakios Malaxos', *JÖB* 48 (1998), 273–91.

[29] Fol. 1^r contains an ex-libris of Sebastian Tengnagel, librarian at the Vienna *Hofbibliothek* in 1608–33: see Foerster, *De antiquitatibus et libris*, 8–9 and Papazoglou, *Βιβλιοθήκες*, 67. Tengnagel had bought the ms. from the heirs of Sambucus: see H. Gerstinger, 'Johannes Sambucus als Handschriftsammler', in *Festschrift der Nationalbibliothek in Wien, herausgegeben zur Feier des 200jährigen Bestehens des Gebäudes* (Vienna, 1926), 251–400, at 287–8 and 345–6, n. 2. He sold his collection of books and manuscripts to the *Hofbibliothek* at the end of his life: see Menhardt, *Das älteste Handschriftenverzeichnis*, 22–3.

[30] See E. Jacobs, *Untersuchungen zur Geschichte der Bibliothek im Serai zu Konstantinopel* (Heidelberg, 1919), 29; Papazoglou, *Βιβλιοθήκες*, 132.

[31] E. Legrand, 'Notice biographique sur Jean et Théodose Zygomalas', in *Recueil de textes et de traductions publié par les professeurs de l' École des langues orientales vivantes à l' occasion du VIIIe Congrès International des Orientalistes tenu à Stockholm en 1889*, 2 vols (Paris,

be identified with entries in Malaxos' description.[32] What had happened to the other manuscripts? And thirdly, in the *Catalogus librorum R. Domini Patriarchae Constantinopolitani*, which we find in Hartung's translation, it is said that this particular library contained 51 volumes: if this is indeed the library of the patriarch himself, and not the patriarchal library, the patriarch must be Metrophanes III, who occupied the patriarchal see in 1565–1572 and 1579–1580. In January 1572, Metrophanes compiled a catalogue of his collection of rare books and manuscripts, which was at the time housed in the monastery of the Holy Trinity on the island of Chalke.[33] Of the 101 entries in this catalogue, only eight can perhaps be identified with items in the *Catalogus librorum*.[34] Is this really the same library? Gerlach visited the library of the Holy Trinity on Chalke in 1576 and spotted ten manuscripts, only one of which seems to correspond to an item in Metrophanes' catalogue.[35] If all three catalogues ('Patriarch', Metrophanes, Gerlach) describe one and the same library, it would appear that the staggering speed with which new acquisitions entered this library was matched only by the equally staggering speed with which it disposed of them.

Krumbacher called the catalogues in the Viennese manuscript 'eine plumpe Mystifikation' (a gross deceit) and 'eine absichtliche Fälschung' (a deliberate forgery), and Paul Maas used the word 'Schwindel' (fraud, swindle).[36] The reason for these harsh verdicts is the fact that the catalogue of the 'grammaticus' and the catalogue of

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1889) [=Publications de l' École des langues orientales vivantes, IIIe série, volumes V–VI], vol. II, 67–264, at 216–19; this study has also appeared as an offprint bearing the same title and the same date and place of publication, but with a different page numbering. For the library of Georgios Kantakouzinos in the year 1597, when Georgius Dousa (Joris van der Does) commissioned copies of manuscripts owned by Kantakouzinos, see H. Omont, 'Martin Crusius, George Dousa et Théodose Zygomalas', *Revue des Études Grecques* 70 (1897), 66–70.

[32] Gerlach 1, 3 (cf. 24), 8, 22, 26 = 'Antonios Kantakouzinos' 15, 23, 16, 22, 4. See Legrand, 'Notice biographique', 218, n. 4–6, and 219, n. 1–3. For mss. that Antonios Kantakouzinos sold to Hans Dernschwam in 1554 and to Ogier Ghiselin de Busbecq in 1556–62, see Jacobs, *Untersuchungen*, 28–9. Jacobs identifies these mss. with items 1, 2 and 13 in the catalogue of Antonios Kantakouzinos and concludes that the catalogue describes the library before the sale of these three mss. But Antonios Kantakouzinos may have bought or commissioned copies in order to replace the texts that he had sold.

[33] Published by Legrand, 'Notice biographique', 206–14.

[34] Metrophanes 15, 23–4, 28, 37, 39, 54, 57, 85–6 = 'Patriarch' 17, 9, 3, 34, 11, 28, 35, 24. Papazoglou, *Βιβλιοθήκες*, 226–30, compares the two catalogues and identifies more entries than I would be inclined to do.

[35] M. Crusius, *Turcograeciae libri octo* (Basil, 1584), 498–9: Gerlach 9 = Metrophanes 39 = 'Patriarch' 11. In the year 1577, Gerlach returned to Chalke and inspected Photios' *Bibliotheca* in Metrophanes' collection (this is no. 31 in Metrophanes' catalogue): Crusius, *Turcograecia*, 512 and Legrand, 'Notice biographique', 204, 209, n. 1, and 210.

[36] K. Krumbacher, *Geschichte der byzantinischen Litteratur* (Munich, 1897), 509 and Maas, 'Critical Review', 411–12.

manuscripts in Rhaidestos mention a number of Ancient Greek literary works that were certainly no longer extant in the sixteenth century. The comedies of Menander, the comedies of Philemon, and the historian Androtion are mentioned in both catalogues; the historians Philochoros, Ephoros and Theopompos in the Rhaidestos catalogue only. Take Menander, for instance. Menander, the leading exponent of the New Comedy, influenced Plautus, Terentius and many other authors, and was highly admired from Hellenistic times until the end of antiquity: scenes from his comedies were even depicted in Late Antique floor mosaics. For one reason or another, when theatre ceased to exist and theatrical plays were no longer performed but only read in the classroom, Menander's popularity appears to have ended rather abruptly. The only text to have survived in Byzantine times is the collection of gnomic monostichs attributed to Menander, some of which are culled from his comedies, whereas others derive from other sources.[37] As the 'grammaticus' explicitly tells us that the comedies of Menander are 24 in total,[38] it is reasonable to assume that the manuscript for sale contained the collection of Menander's *Monostichs*, which, as they are arranged in alphabetical order, consist of 24 sections. It is not known whether Psellos actually wrote a commentary on these *Monostichs*, as the 'grammaticus' wants us to believe, but it cannot be excluded, although this commentary sadly has not come down to us.[39] However, it is obvious that the 'grammaticus' is not telling the whole truth. He must have understood that the 24 divisions of Menander's *Monostichs* are not the same thing as 24 comedies by the same author. In other words, he is selling a myth, and as myths are always more precious than just the plain truth, it is clear why he is suggesting that he possesses 24 comedies of Menander: he is driving up the price of the manuscript that is for sale.

So, yes, Krumbacher and Maas are right: this is fraud. But please let us not forget that it is the eagerness of humanist Europe, the lust for manuscripts, the incredible greed of bibliophiles, that created the frenzied search for lost treasures.[40] See, for instance, the enthralled reaction of Leo Allatius when he discovered the catalogue of the 'grammaticus' in Latin translation: 'Menandri comoediae XXIV, o thesauros!, explicatae a Michaele Psello'.[41] Oh treasures, indeed! And in 1568 Johann Sambucus wrote to his good friend Crato, with obvious excitement, that he

37 S. Jaekel, ed., *Menandri Sententiae; Comparatio Menandri et Philistionis* (Leipzig, 1964); C. Pernigotti, ed., *Menandri Sententiae* (Florence, 2008).

38 Grammaticus, no. 2: τοῦ Μενάνδρου τὰς κωμῳδίας ὅλας τὰς εἰκοσιτέσσαρας· καὶ ἐξηγεῖται αὐτὰς ὁ ὑπέρτιμος κὺρ Μιχαὴλ ὁ Ψελλός. The collection in Rhaidestos, no. 5: Μενάνδρου κωμῳδίαι.

39 E. Gibbon, *The History of the Decline and Fall of the Roman Empire*, 6 vols (London, 1793–94; repr. London, 1993–94), vol. III, 419, n. 110: 'From obscure and hearsay evidence, Gerard Vossius and le Clerc mention a commentary of Michael Psellus on twenty-four plays of Menander, still extant in MS. at Constantinople. Yet such classic studies seem incompatible with the gravity or dulness of a schoolman, who pored over the categories'. The 'obscure and hearsay evidence' is either Hartung's translation itself or a later copy of it.

40 See Jacobs, 'Johann Hartung', 97 and Maas, 'Critical review', 412.

41 Leo Allatius, *De Psellis et eorum scriptis diatriba* (Rome, 1634), 68–9.

had just found out that Menander was still available, in a manuscript that belonged to the bishop of Ikonion.[42] Sambucus may have been told that the Menander manuscript mentioned both by the 'grammaticus' and in the Rhaidestos catalogue could be bought from the bishop of Ikonion, if the right price were offered. But it cannot be excluded that his information came from another source. Whatever the case, it only shows how marketable Menander was in humanist circles: a Menander manuscript was worth a fortune. If only these humanists had started digging in Egypt or scraping off palimpsests instead of waiting for the Greeks to produce what was no longer available in manuscript form: the whole Menander, the wet dream of every humanist.

As we all know, demand creates its own supply – and its own fraud.[43] Taking into account the miserable conditions in which Greek professional scribes such as the Zygomalades and the Malaxoi had to live, it is obvious why they would occasionally tell a white lie: it saved them from dire poverty. Let me quote, by way of comparison, Walter Map, a twelfth-century author who had written a philosophical essay dissuading people from marriage. He had published this essay under the name of Rufinus of Aquileia, a Roman author of the fourth century, and this essay, which circulated pseudonymously, had become a success. In a book that bears the title *Courtiers' Trifles*, Walter Map complains that if he had published the text under his own name, it would never have won renown. This is what he says: 'My only offence is that I am alive; it is, however, one which I have no intention of correcting – by dying. I changed our names for those of dead men in the title, for I knew that would be popular: had I not done so, my book, like myself, would have been thrown aside … Every century has disliked its own modernity; every age, from the first onwards, has preferred the previous one to itself'.[44] How recognisable this would have sounded to men of letters in Byzantium and post-Byzantine times: the burden of the past, the authority of the literary canon, the sheer weight of all those dead authors. And worse than all those dead Homers, dead Platos, dead Euripideses is the disdain for modern authors: 'omnibus seculis

[42] Gerstinger, 'Johannes Sambucus', 342; H. Gerstinger, *Die Briefe des Johannes Sambucus <Zsámboky> 1554–1584* (Vienna, 1968), 87–8 (no. XXV): a letter from Johannes Sambucus to Johannes Crato von Kraftheim (24 August 1568): 'non possum hic non adscribere *μετά χάριτος* Menandri reliquiarum certam spem factam et apud Iconii Episcopum extare'.

[43] Speaking of fraud in the booming book market of the sixteenth century: in 1540 Guillaume Pellicier, the French Ambassador in Venice, was offered the rare chance to purchase the entire library of the Palaeologan emperors, which allegedly was kept somewhere in Galatia: Jacobs, *Untersuchungen*, 29–30.

[44] Walter Map, *De Nugis Curialium*: 'Hoc solum deliqui, quod vivo. Verumptamen hoc morte mea corrigere consilium non habeo. Nomina nostra nominibus mortuorum in titulo mutavi; sciebam enim hoc placere. Sin autem, abiecissint illam, ut me. (…) Omnibus seculis sua displicuit modernitas, et quevis etas a prima preteritam sibi pretulit', for which see: *W. Map, Courtier's Trifles*, ed. and transl. M.R. James (Oxford, 1983), 312–13. See also J.M. Ziolkowski, 'Middle Ages', in C.W. Kallendorf, ed., *A Companion to the Classical Traditio*n (Malden, MA, Oxford and Carlton, 2007), 17–29, at 27.

sua displicuit modernitas'. The reaction to all this is absolutely understandable: if people are interested in ancient authorities only, let them have their Menander, their Philemon, their Ephoros.

True enough, this is fraud, and fraud is a criminal offence, but as we have seen at the beginning of this chapter, there is a connection between authority/authorship and crime. Authority elicits its own disrespect of authority, and authorship its own plagiarism and parody.

Let me end with some brief remarks on John Malaxos and his description of private libraries in sixteenth-century Constantinople. It cannot be denied that these catalogues serve a commercial purpose: they are advertisements of books offered for sale. However, I do not think this is the whole story. When discussing the antiquarian studies of John Malaxos, Peter Schreiner rightly pointed out that just as the *Patria* form a 'Constantinople imaginaire', the writings of Malaxos depict a 'Constantinople nostalgique'.[45] I would say that more or less the same holds true for the description of the private libraries in Constantinople. These, too, are part of a Constantinople that has ceased to exist, but still somehow lingers on in the form of its monuments, antiquities and manuscripts. The message of Malaxos' catalogues is that the Byzantine tradition is not dead (not yet, at least), and the authority invoked to bolster this implicit claim are the books themselves, the manuscripts that are still extant in Constantinopolitan libraries.

So the last sentence of Malaxos' description of the private libraries in Constantinople can be read in two different ways, and both are correct: καὶ ἄλλα πολλά εἰσιν βιβλία πολλὰ πολλά, 'and there are many, many more books'. The first interpretation would be to see it as an entrepreneurial strategy of clever book traders, an advertisement indicating that, if potential buyers are interested, there are more for sale. The second interpretation is to view it as a sign of patriotic pride. Constantinople may have become a barbarous backwater, but it still possesses the sources of Greek civilisation – all those books that are at the heart of the humanistic curriculum, 'and many, many more'.

As is well known, Byzantium became an object of study in the sixteenth century, partly because of the seemingly unstoppable advance of the Turkish military, which threatened the very existence of (western) Europe, and partly because of the religious controversy between the Reformation and the Church of Rome, which sparked a heightened interest in the Orthodox world. However, what is little known, or perhaps not fully appreciated, is that this objectification of Byzantium provoked a response from the intellectual circles gravitating around the Great Church: and here one might think of people such as Theodosios Zygomalas, Manuel Malaxos, Meletios Pigas, Maximos Margounios, Symeon Kabasilas and John Malaxos. What John Malaxos is telling us in Vind. Hist. gr. 98, is not only that all those manuscripts are for sale, but also that they form part of Byzantium's legacy. It may be true that real intellectual activity takes place in humanistic circles, in Italy, in Germany, in France, but the sources of Greek wisdom, the manuscripts

[45] Schreiner, 'John Malaxos', 213–14.

themselves, are still Greek property. They are a centuries-old heritage. They are what T.S. Eliot would call 'classics' – the authorities of the past and the present.

Part VII

Exhibiting Authority in Provincial Societies

21

Organic Local Government and Village Authority

Leonora Neville

Enduring through millennia with considerable continuity, the Byzantine imperial government was a model of strength and stability. This government was both proactive and highly authoritative in respect to a few select matters, chiefly collecting revenue, combating invasions and suppressing rebellion. Matters of local social interactions were generally beneath the notice of the imperial government. The imperial government, however, did take very seriously the task of maintaining its monopoly on governmental authority. Locally powerful people do not seem to have taken over governmental roles very often, because if they looked like they were governing, they ran the risk of being denounced as rebels. This situation of a strong imperial authority tightly maintaining a monopoly on governmental authority, yet neglecting the details of provincial government, meant that Byzantine provincial society was largely self-regulating.[1]

Social regulation at the small village level took the form of organic, informal community government. Some insight into how this organic community regulation worked can be gained through the study of several disputes over land in which villages collectively formed one legal party. All the surviving cases involve disputes with monasteries because all the records survive in the acts of Athos. We have records of several disputes: between the *kastron* of Hierissos and the monastery of Kolobou,[2] the village of Siderokausia and the monastery of Kolobou,[3] the village of Radochosta and the monastery of Roudabon,[4] and between the *kastron* of Adrameri and a metochion of Lavra at Peristerai.[5] The legal definitions of the party of the inhabitants can provide some clues to the organisation of authority in these villages and *kastra*.

[1] L. Neville, *Authority in Byzantine Provincial Society, 950–1100* (Cambridge, 2004).

[2] J. Lefort et al., eds, *Actes d'Iviron*, vol. I, *Archives de l'Athos 14* (Paris, 1985), #1, 4, and 5.

[3] Lefort et al., eds, *Iviron I*, #9.

[4] P. Lemerle et al., eds, *Actes de Lavra*, vol. I, *Archives de l'Athos 5* (Paris, 1970), #14.

[5] Lemerle et al., eds, *Lavra I*, #37.

The records of these disputes have formed one of the main bodies of evidence in historiographic debates on the 'village commune'. Discussions of the Byzantine village community have played significant roles in debates on the nature and extent of communalism, private ownership, autonomy, dependence and 'feudalisation' to be found in Byzantine rural society. These debates, which preoccupied scholars of Byzantine social history through most of the twentieth century, owed much of their intellectual appeal to concurrent intellectual and political contention regarding socialism, collective and individual actions and freedoms in that century.[6] The Byzantine village now seems far less exceptional than it did in the classic vision of Ostrogorski.[7] Revisions to the understanding of Byzantine village communities have moderated the enthusiastic attributions of communalism to Byzantine peasants, but have left room for new evaluations of the collective actions of villages. Little now appears to have been genuinely communal about Byzantine villages. Yet villages did act as single legal entities in the disputes recorded in the monastic archives and they do appear to have been largely self-regulating regarding their internal affairs. The question of how particularly the inhabitants of villages managed the ordering of their community remains unanswered.

Several of our records are acts of accord or exchange that take the legal form of a deed of conveyance, in which one party in the transaction makes a cross at the head of the text and then speaks in the first person.[8] The party speaking in the first person is usually the party of the alienator – the seller, donor or guarantor. Deeds of conveyance open with a declaration of intent in which the alienators are named and declare that they made the sign of the cross on the text. The alienators drew a cross and signed their names around it if they could. Those who could not write at least drew the cross around which their names were then written. As a rule the

[6] For the major lines of debate see J. Haldon, ed., *The Social History of Byzantium* (Chichester, 2009), 1–29 and J. Lefort, 'Rural Economy and Social Relations in the Countryside', *Dumbarton Oaks Papers* 47 (1993), 101–13. On the genesis of idealising studies of the Byzantine village see A. Kazhdan, 'Russian Pre-Revolutionary Studies on Eleventh-Century Byzantium', in S. Vryonis, ed., *Byzantine Studies Essays on the Slavic World and the Eleventh Century* (New Rochelle, 1992), 111–24.

[7] G. Ostrogorski, 'La commune rurale byzantine', *Byzantion* 32 (1962), 139–66, G. Ostrogorski, *Pour l'histoire de la féodalité byzantine*, trans. H. Grégoire (Brussels, 1954). For Byzantine village society seen within the range of behaviour prevalent throughout the Mediterranean and Europe see C. Wickham, *Framing the Early Middle Ages: Europe and the Mediterranean 400–800* (Oxford, 2005), 436–41. For more recent literature on Byzantine villages see J. Lefort, *Société rurale et histoire du paysage à Byzance*, *Bilans de recherche* (Paris, 2006), J. Lefort et al., *Les villages dans l'empire byzantin: IVe–XVe siècle* (Paris, 2005), J. Lefort, 'The Rural Economy, Seventh–Twelfth Centuries', in A. Laiou, ed., *The Economic History of Byzantium from the Seventh through the Fifteenth Century* (Washington, DC, 2002), 231–310.

[8] Essential starting points for study of Byzantine notarial texts are H. Saradi, *Notai e documenti Greci dall'età di Giustiniano al XIX secolo: Tomo I il sistema notarile Bizantino (vi–xv Secolo)* (Milan, 1999) and H. Saradi, *Le Notariat Byzantin du IXe Au XVe siècles* (Athens, 1992).

names of the people on the crosses at the head of the text match the names of the people in the declaration of intent who said they had made the crosses. Additional people who witnessed the transaction signed at the end of the document.

In our cases the whole legal party of the inhabitants of the village or *kastron* is defined by a selection of men who say they are the party of the village or *kastron*. Who were these men and how did they get to be the people signing the documents and speaking in the first person for all the inhabitants? In a dispute between the monastery of Roudabon and the village of Radochostas over the monastery's mill, in 1008, the document opens with the signatures and crosses of 14 men.[9] The declaration of intent says:

> We, the already-noted inhabitants of the village Radochostas, making the sign of the honoured and life-giving cross with our own hands, guarantee to you the monks of the most holy monastery of Roudabon …[10]

These 14 men were not the only inhabitants of the village. Even if the village only had 14 households, the wives and children of those men were left out. It is far more likely that the 14 men who signed the document were a selection of the heads of household in the village. Their status as representatives of the larger community is assumed.

That the men who sign the document do not constitute an exhaustive list of heads of household is confirmed in the case of the dispute between Hierissos and Koloubou. Two documents were written regarding this dispute in July 982. Both documents define the party of the inhabitants through a selection of men, but the names and the number of names vary. The first act of guarantee for the agreement opens with the crosses and names of 74 men representing the inhabitants of Hierissos.[11] The declaration of intent says 'we the already-noted inhabitants of the *kastron*'.[12] A second act of exchange, involving several trades of land among villagers that were necessary to make the larger agreement work, opens with seven signatures and 21 signs of inhabitants of Hierissos. The declaration of intent in the body of the document was made by 20 named individuals. Some of the people listed in the body of the document are not among the 28 people who signed and marked it. Indeed only eight names are assuredly on both lists. Those listed in the text declare their free will in entering into the exchange on behalf of themselves

[9] Lemerle et al., eds, *Lavra I*, #14. This guarantee recorded the payments previously made by the monastery for the land and created a firm boundary description.

[10] Lemerle et al., eds, *Lavra I*, #14, lines 4–5: ἡμίς ὑ προαναφερόμενοὶ υκίτορὲς χόριου Ραδοχοστᾶς, ὀῖ κε τοῦς τιμιοῦς κ(αὶ) ζῶωποῖους στ(αυ)ρους ιδ(ι)ὃχῖρός ποίησὰντες, ᾶσφαλῖζόμεθα προς ἰμᾶς τούς μοναχ(οὺς) τής ευ[αγεστ]ατ(ης) μόνις τῶν Ρουδ(ά)βῶν ...

[11] Lefort et al., eds, *Iviron I*, #4, lines 1–18.

[12] Lefort et al., eds, *Iviron I*, #4, line 19: Ἐν τῶδε τῶ [θεοσώστω κάστρω Ἱερισσοῦ ἡ]μεῖς οἱ προαναφερόμενοι οἰκήτωρες τοῦ αὐτοῦ κάστρου, …

and 'the other inhabitants of our *kastron*'.[13] So the men who actually made crosses on the document are not the same set of men who said, in the text, that they were making crosses on the document, and neither group matches the set of men who constituted the community in the first document. Yet in all of these cases the individuals stood for the whole community. Obviously we are dealing with representation, but markedly informal representation.

Hierissos' larger act of exchange of 982 is witnessed by individuals who were not party to it; the first of whom was the bishop of Heirissos, followed by Athanasios of Lavra and several other *hegoumenoi* and laymen.[14] The prominent signature of the bishop, as a witness, indicates that he was not considered to be a member of the inhabitant's party, and hence not an inhabitant in the full sense. The bishop was an important person in the vicinity, but in some sense it was not his town and he did not take on the role of representing the town.

The inhabitants of the *kastron* Adrameri are represented by 30 crosses and signatures at the head of their document, of which only 22 can be deciphered. The opening declaration of intent says 'we the inhabitants of the Adrameri', and lists 12 names of specific individuals.[15] These 12 speak for themselves 'and all the other dwellers, both the so-called co-dwellers and co-payers, of the *kastron* Adrameri'.[16] Despite the damage to the text it remains clear that the list of men who signed and crossed the text does not correspond precisely to the inhabitants listed in the declaration of intent.

The discrepancies between the crosses at the head of the documents and the individuals named in the declaration of intent can be explained by assuming that the notary prepared the text in advance and that the notary had expected a slightly different group to represent the village than the one that actually showed up to sign the document. This probable scenario in itself underscores the informality and spontaneity of rural social organisation. There was no set list of who the important people were. If an unexpected set of people came to represent the community, their names were not considered worth correcting.

In another case, the inhabitants of Siderokausia were also one party, *meros*, in their fight with Kolobou. The protospatharios Nicholas, the judge of Strymon and Thessaloniki, heard a complaint from the inhabitants of Siderokausia alleging that the monastery of Kolobou had usurped their property.[17] This text is written in the form of a judgment in a dispute, from the perspective of the judge, rather than following the form of a deed between two parties, and therefore the inhabitants of

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13 Lefort et al., eds, *Iviron I*, # 5 line 14: (καὶ) οι λυποι υκήτωρὲς του καθ' ἱμὰς κάστροὺ Ιερισσου

14 Lefort et al., eds, *Iviron I*, #4, lines 69–79.

15 Lemerle et al., eds, *Lavra I*, #37, line 4. [Ἡμεῖς οἱ] τọῦ̣ κάστρου Αδραμέρι °ἱκήτωρες ὅ τε Συμε(ῶν) …

16 Lemerle et al., eds, *Lavra I*, #37, line 7. καὶ] οἱ λοιπ(οὶ) α[παντ]ẹς [ο]ἱ ἔπικοι αμφοτẹροι ὡς ἤρητ(αι) συνέποικοι (καὶ) συντελε[σταὶ] τοῦ κάστρου Αδραμέρι …

17 Lefort et al., eds, *Iviron I*, #9.

Siderokausia are not delimitated by name. They are called variously the inhabitants, the party of the village, the crowd.[18] The writer of the text describes them as making several, competing claims that escalate in intensity but betray a complete lack of prepared argument:

> Not able to bear the great loss, in unison they let loose jumbled voices, loud and rustic, seizing the courtroom; the one saying that grain just planted in the furrow of earth was trampled underfoot and would not sprout, another that already animals had fed on the new sprouts, another that a road had been mowed down by beasts even before the summer season. Thundering back, the monks answered that 'We alone ought to be the owners of the whole Arsinikeia, as written in the delimitation of our monastery'.[19]

The prejudices of the judge against the rusticity of the inhabitants may be revealed in his presentation of them as all speaking at once and making off-the-cuff arguments. Yet the presentation also confirms the lack of firm representation. No one had been chosen to speak for the inhabitants in this formal setting, even for only the day. There is no bishop, no priest, no *archon* who has more authority than the others. They are called a crowd in a quite formal context of dividing up the taxes owed by the monastery and the villagers.[20]

Note too that the inhabitants' complaint was not about the use of land that could be held as a common resource. A common pastureland could be used by multiple households, but the inhabitants were complaining about animals trampling their individual sowed fields. So the inhabitants were not defending communal land but banding together to get similar complaints against a common aggressor heard.

Our documents give clear indications of variations in wealth and prestige among the inhabitants. The inhabitants of Radochostas 'decided it was just to come together from small to great' to make the boundary description that divided their land from the monastery.[21] This gratuitous allusion to differences in status among the villagers indicates a certain self-consciousness about the act of transcending those divisions for the sake of ending neighbourly strife, *philonikia*.[22] The Marcian

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[18] Lefort et al., eds, *Iviron I*, #9 for example: inhabitants, οἰκήτορες lines 4, 19, 49; party, μέρος, 33; crowd, πλήθος, 23, 26, 52.

[19] Lefort et al., eds, *Iviron I*, #9 line 20–4: οἳ δὴ τὴν πολλὴν ζημίαν μὴ [φέροντες], συμφώνως πάντες τὸ δικαστήριον καταλαβόντες φωνας συμμίκτους ηφίουν ἐναρθρους καὶ ἀγροικους, ὁ μὲν λέγων ὅτι μονου κατα[βαλλο]μένου τοῦ σπέρματο(ς) λαγόσι τῆς γῆς ποσὶ καταπατηθὲν οὐκ ἐβλαστησεν, ὁ δὲ ὡς ἅμα τῶ ἐκβλαστῆσαι κατεβοσκηθη, ἄλλο(ς) ὡς ἅμα γεγονως οδουσι κτηνων προ καιρου του θερους εξεθερίσθη· καταβροντώμενοι δὲ οἱ μοναχοὶ ἀντέλεγον ὡς 'ἡμεῖς μόνοι ὅλην τὴν Ἀρσινι(κειαν) ὀφείλομεν δεσπόζειν εἰς τὸν τοιοῦτον περιορισμὸν ἐπ' ὀνόματι τῆς ἡμῶ(ν) μονῆς ἀναγραφομενη[ν]'

[20] Lefort et al., eds, *Iviron I*, #9, line 52.

[21] Lemerle et al., eds, *Lavra I*, # 14 line 10. ὦθεν δίκεον εκρίναμὲν συνελθώντον ἰμόν πᾶντõν απο μικροὺ ἕος μεγἄλοῦ…

[22] Lemerle et al., eds, *Lavra I*, # 14 line 9.

treatise reinforces this evidence of disparities by telling us that not all inhabitants of a village could use the 'enclosed lands'.[23]

Several of these disputes were settled by having the party of the village receive a payment in return for renouncing claims on land. The inhabitants of Adrameri received a payment of 72 gold nomismata of good weight 'stauromichaelata'.[24] While in the 1070s one was certainly wise to get a payment in good gold, the specification of large-denomination gold coins would make the internal division of the goods extremely difficult. The arrangements affected a river whose water was certainly an important resource for many different households. The text contains no information about how the money was distributed among the villagers. Presumably it was a contentious process. Both the decisions about who would represent the inhabitants during negotiations and who would decide the eventual division of spoils were left entirely in the hands of the inhabitants. No formal government is visible at this local level.

The individuals representing their communities were a mixture of clergy and laity, a few of whom had low-level imperial titles. In Hierissos' first act of guarantee of 982, 13 of the initial 73 signatories identified themselves as priests.[25] Three were readers and three were deacons.[26] One called himself a cleric.[27] In twelfth-century Constantinople, at least, there was some discussion of whether readers were fully members of the clergy or were laity. When patriarch Luke Chrysoberges argued that readers were within a strict boundary between clergy and laity, he was combating a common blurring of that boundary.[28] Five men on this list had what we would call secular titles: *exarch* John,[29] *kouboulkesios* Stephen,[30] *domestikos* Constantine,[31] *komitos* John[32] and *archon* Stephen.[33] Two men called themselves

[23] F. Dölger, *Beiträge Zur Geschichte Der Byzantinischen Finanzverwaltung, Besonders Des 10. Und 11. Jahrhunderts*, *Byzantinisches Archiv. Hft. 9* (Leipzig, 1927), 115. Neville, *Authority*, 96–7.

[24] Lemerle et al., eds, *Lavra I*, # 37, line 26. C. Morrisson, 'Byzantine Money: Its Production and Circulation', in *Economic History of Byzantium*, 931–3.

[25] Lefort et al., eds, *Iviron I*, 4., Michael line 1, Nikephoros protopresbyteros 2, Basil 3, Manuel 4, Constantine 8, Anastasius 8, Nicholas 10, George 10, George 11, Demetri 13, Auxentios 14, John 15. John was both *presveterou kai deutereuontos* line 5. The orthography of the names is often non-standard. I have used standard English equivalents for simplicity.

[26] Lefort et al., eds, *Iviron I*, 4. anagnostoi: Andrew line 2, John and Auxentios 18; deacons: 9, 16, 18.

[27] Lefort et al., eds, *Iviron I*, 4 line 4.

[28] M. Angold, *Church and Society in Byzantium under the Comneni, 1081–1261* (Cambridge, 1995), 115, 151–3.

[29] Lefort et al., eds, *Iviron I*, 4 line 3.

[30] Lefort et al., eds, *Iviron I*, 4 line 7.

[31] Lefort et al., eds, *Iviron I*, 4 line 9.

[32] Lefort et al., eds, *Iviron I*, 4 line 2.

[33] Lefort et al., eds, *Iviron I*, 4 line 6.

oikodespotes.[34] This title was not officially bestowed by the imperial government and could be claimed by any owner of a house. In the act of guarantee the inhabitants of Radochosta made in 1008, two of the 14 signatories were priests and three called themselves *oikodespotes*. Here the two priests sign first, and three of the next four signatories were the *oikodespotes*.[35] Among the inhabitants of Adrameri, three of the 19 signatories were priests, and five of the 12 men listed in the declaration of intent were priests.[36] There are no other titles among the decipherable names. The priests among the representatives of Adrameri seem to have signed near the top, but are not uniformly first.

What is striking is how these titles do not seem to have created an absolute hierarchy. It is not the case that the people with the titles uniformly signed first, or that the clergy uniformly signed ahead of the laity. The intense interest expressed in imperial ceremonial records with having titled officials enter and sit in an exactly prescribed hierarchical ranking would suggest that Byzantine culture had a propensity for hierarchical precision.[37] The influence of hierarchical court titulature on some monastic practices further suggests such an interest in hierarchical order.[38] That in some of our, admittedly limited, cases the individuals signing the documents seem not to have lined up according to their rank and station to sign the document in order of importance is thus anomalous.

So far the documents of these disputes have presented puzzling evidence for internal community government. The villages and *kastra* were able to form legal parties through the representation of some male members of those communities; yet there is notable inconsistency, and hence informality, regarding who those representatives were, and the representatives arranged themselves with less hierarchical precision than we might expect. Further progress on understanding the implications of this evidence can be gained by abandoning the artificial division between the study of government and institutions on the one hand and family on the other. The best explanations of internal village regulation are to be found in the studies on the Byzantine family and household. The key to understanding how whole communities could be represented through the agency of a few informally selected men lies in understanding those men as the heads of households encompassing far larger collections of individuals.

The basic unit of social organisation in Byzantine society was the household.[39] The *oikodespotes* or head of household was the leader of a family unit and all its

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34 Lefort et al., eds, *Iviron I*, 4. Lyveanos 4, Malkos 6.

35 Lemerle et al., eds, *Lavra I*, #14 line 1–2.

36 Lemerle et al., eds, *Lavra I*, #37 lines 4–5.

37 N. Oikonomides, *Les listes de préséance Byzantines des IXe et Xe siècles* (Paris, 1972).

38 Neville, *Authority*, 23.

39 Neville, *Authority*, 66–118. For grand households see P. Magdalino, 'Aristocratic *Oikoi* in the Tenth and Eleventh Regions of Constantinople', in N. Necipoğlu, ed., *Byzantine Constantinople: Monuments, Topography and Everyday Life* (Leiden, 2001); P. Magdalino, 'The Byzantine Aristocratic Oikos', in M. Angold, ed., *The Byzantine Aristocracy, IX–XIII*

dependencies. Land was held by households – not by either individuals or villages. The male *oikodespotes* was listed in fiscal documents, but wives, children and grandparents shared in both the workload and benefits of that land. Kazhdan, noting that documents described many elements of Byzantine society in terms of individual men, thought that Byzantine society was individualistic – by which he meant atomised, autarkic and lonely.[40] Looking at the same evidence I see the men as heads of households.[41] The women and family members that comprised the key affective bonds in village society are not mentioned in the documents but must have been present. That women were not mentioned does not mean that they did not exist. In both fiscal records and in the charter of the Confraternity of Thebes, a few women appear alongside a great many men. These documents make far more sense when the few women are understood as taking on the role of a male head of household while the man was unavailable through death or absence.[42] It follows that when we see men sign a document we should think that he is acting as a representative and head of his whole household, including wives, children, the aged, and perhaps servants, slaves or tenants.

The men who acted as representatives of the communities in question, then should be seen as the heads of households acting in concert. Within the village or town, the individual households were in competition and the heads of households were all potential rivals. Yet all stood to improve their situation through alliances and networks with other households. Several methods of creating alliances and bonds between households were routinely available.[43] Brothers who came to control separate households would be in natural alliance through their kinship and common inheritance. Marriage between households created a strong bond.[44] Heads of households whose children were married could be considered strongly allied. Baptismal sponsorship was another way of creating an alliance, less binding than marriage, but still highly significant.[45] Adelphopioisis, spiritual brotherhood, is precisely a form of fictive kinship that created an alliance mimicking that of natural kinship. Adelphopioisis was far more flexible than marriage or baptismal sponsorship in that it was not considered to create a bond of blood that would limit

Centuries (Oxford, 1984), J-C. Cheynet, *Pouvoir et contestations à Byzance (963–1210)* (Paris, 1990), J-C Cheynet, *The Byzantine Aristocracy and its Military Function* (Aldershot, 2006).

40 A. Kazhdan and G. Constable, *People and Power in Byzantium: An Introduction to Modern Byzantine Studies* (Washington, DC, 1982) 26–36.

41 Neville, *Authority*, 66–77.

42 L. Neville, 'Taxing Sophronia's Son-in-Law: Representations of Women in Provincial Documents', in L. Garland, ed., *Byzantine Women: Varieties of Experience, 800–1200* (Aldershot, 2006), 77–89.

43 Neville, *Authority*, 85–98.

44 A. Laiou, *Mariage, Amour et Parenté à Byzance aux XI–XIIIe siècles* (Paris, 1992).

45 R. Macrides, 'The Byzantine Godfather', *Byzantine and Modern Greek Studies* 11 (1987), 139–62.

future or current marriage options.[46] It presumably was correspondingly weaker. In addition to these formal ways of making members of different households relatives and hence linking those households, various informal connections were available that would create bonds between households. Individuals who had the same monk serving as their spiritual father may have considered themselves, at least weakly, as brothers. Fraternities, such as the confraternity of Thebes, created a spiritual brotherhood among the members that bound their households together.[47]

These various forms of connection created ties between households that allowed them to work together and formed the basis for larger networks of action. Those chosen as representatives would have been heads of households that had the support of several other households or allied groups of households. The families that everyone in town wanted to marry into were the ones that were able to take on the biggest share of organic local government. When the lines between government history and family history are dissolved, the government of the Byzantine village becomes slightly less mysterious.

By working together, several *oikodespotai* could reasonably claim before a judge that they represented the whole village because everyone – or nearly everyone – in town would have been connected, either loosely of tightly, to one of their households. A relatively small number of heads of household could then constitute one legal party in a dispute. Yet within the leading group of the most important heads of household in town, no determination was made regarding who was *the* most important, powerful and successful. Any effort to delimitate a definite hierarchy would lead to endless discord because of the fundamental competition between houses. The heads of the families had to treat each other as equals if they were going maintain the internal harmony necessary to act in mutual defence. Hence the partial evidence for an almost studied informality in the representation of the community. Informality regarding absolute status within the elite group glossed over the tensions of competition between leading households. That the households were in natural and practical competition most of the time indicates that the collective actions involved in bringing suit as one legal party were the result of strong external pressures.

The inevitable contention over the division of money and resources within the community would have been conducted within the context of competitions and alliances between households. The men who served as representatives had

46 C. Rapp, 'Ritual Brotherhood in Byzantium', *Traditio* 52 (1997), R. Macrides, 'Kinship by Arrangement: The Case of Adoption', *Dumbarton Oaks Papers* 44 (1990), G. Sidéris, 'L'*adelphopeièsis* aux VIIe–Xe siècles à Byzance: une forme de fraternité jurée', in M-F. Auzépy and G. Saint-Guillain, eds, *Oralité et lien social au Moyen Âge: Occident, Byzance, Islam* (Paris, 2008).

47 J.W. Nesbitt and J. Witta, 'A Confraternity of the Comnenian Era', *Byzantinische Zeitschrift* 68 (1975), 364–8. Günter Prinzing has recently brought another confraternity to light: G. Prinzing, 'Spuren einer religiösen Bruderschaft in Epiros um 1225?: Zur Deutung der Memorialtexte im Codex Cromwell 11', *Byzantinische Zeitschrift* 101.2 (2009), 752–72.

the authority to trade rights to their community's land for money because they had familial authority over their households. They would distribute their share of the cash among their dependents with the same authority that they allocated household resources. They would contend with their erstwhile allies to get their fair share of the spoils through the same processes of competition that had made them heads of leading households in the first place.[48]

In bringing suit as one legal party, these communities also revealed their lack of access to effective patronage. Like its classical antecedent, the imperial government was reactive. To gain governmental help or judgment, a party needed to excite the interest of the government, often at considerable expense and difficulty.[49] One particularly striking aspect of the dispute of Radochostas, in which the villagers are described by the judge as all clamouring at once, is that the villagers' claim to the judge participated in the tradition of petitioning an authority for help. In this pattern, frequently seen in other Byzantine texts, the petitioners present themselves as poor people in need of succour in a way that strongly pressures the authority figure to act in their defence.[50] In some cases the self-posture of weakness was clearly disingenuous.[51] Kekaumenos was extremely concerned with the manipulative power of such appeals.[52] The inhabitants of Radochostas are described in very similar terms as appealing to the judge to intervene for them against their powerful monastic neighbour. The judge in this case was both the arbiter and the advocate. This story indicates that the relationship between people clamouring for help and the advocate or patron who hears their pleas and comes to their aid was at least the rhetorical pattern for redressing village grievances. It may have been a natural pattern in reality as well. When no other patron was available, the heads of leading households brought their case before the judge.

On the one hand these texts testify to a remarkably well functioning imperial government in which self-regulating communities were able to have their grievances against powerful neighbours heard and to some extent addressed. On the other hand it is not difficult to see why, when confronted with powerful neighbours whose beasts trampled newly sprouting plants, some families would choose to rent land from someone who could act as an effective patron and protector. We would

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48 On the practicalities and conduct of such competition see Neville, *Authority,* 136–64.

49 Neville, *Authority*, 99–111.

50 D. Feissel and J. Gascou, eds, *La Petition a Byzance*, *Centre De Recherche D'histoire Et Civilisation De Byzance, Monographies 14* (Paris, 2004). Neville, *Authority*, 147–9. One example: D. Sullivan, ed., *The Life of Saint Nikon: Text, Translation, and Commentary* (Brookline, 1987), 198.

51 For example N. Oikonomides, ed., *Actes De Docheiariou* (Paris, 1984) #3, on which see Neville, 'Taxing Sophronia's Son-in-Law: Representations of Women in Provincial Documents', 86–7.

52 G.G. Litavrin, ed., *Cecaumeni Consilia Et Narrationes/Sovety I Rasskazy Kekavmena* (Moscow, 1972), 38. One of his fears was that anyone who acted as an advocate for a community was at risk of being denounced to the imperial government as a rebel.

do well to remember that all of our examples of villages bringing suit involve disputes with monks, who may have been unusually responsive to calls for justice and equity. Villages facing less scrupulous neighbours may not have fared so well. Note too that most of these communities ended up permanently alienating land or renouncing claims to land in exchange for short-term monetary gain. Given the alternative of allowing one powerful landlord to fight to preserve their interests, bringing deep resources of wealth, education and government connections to that fight, it is reasonable to think that some village households would voluntarily become rent-paying *paroikoi*. The eventual dissolution of the independent villages may require far less explanation than the profound decentralisation that allowed for their independence in the first place.

Part VIII

Exhibiting Authority in Museums

22

Exhibiting Authority: *Byzantium 330–1453*

Maria Vassilaki

This chapter focuses on the exhibition *Byzantium 330–1453*, which took place at the Burlington House, London (25 October 2008–22 March 2009). It was the outcome of collaboration between the Royal Academy of Arts and the Benaki Museum, Athens, and was sponsored by three major Greek foundations, the J.F. Costopoulos Foundation, the A.G. Leventis Foundation and the Stavros Niarchos Foundation. It was curated by Robin Cormack and me.[1] I will use this exhibition as a key example in exploring how authority can be exhibited.

A main question to be asked right from the beginning is: how does one exhibit authority? Or can authority be exhibited at all? It is true that an exhibition includes within it various notions of authority and plays with that idea as such. It uses, for example, the word authority to promote its qualities and it is common for the curators of an exhibition to be described as the authorities in their field, no matter whether they are or not. An exhibition also includes the authority of its objects, some of which appear to have a higher authority than others. The catalogue of an exhibition also plays with the idea of authority in an effort to remain an everlasting authority in the field with all its contributors being described as authorities in their own fields. It is as if authority appears to be a notion per se in every exhibition. Moreover, an exhibition on Byzantium shows the art of a society in which authority was an essential component. For example, one could list many types of authority analysed in this volume: the authority of the empire; the authority of the state; the authority of the Church; the authority of the emperor; the authority of the patriarch; the authority of Christ; the authority of the Virgin; the authority of saints and above all the supreme authority of God.

Before we investigate whether and if so how various expressions of authority were displayed in the Byzantium exhibition it is important to look at the exhibition itself. Its basic narrative was the range, power and longevity of the artistic production of Byzantium. This means that it looked at how it began; how it was almost eliminated as a figurative medium by Iconoclasm; how it was revived after Iconoclasm and then had a remarkable crescendo in the Middle Ages;

[1] The catalogue of the exhibition, R. Cormack and M. Vassilaki, eds, *Byzantium 330–1453, Royal Academy of Arts, 25/10/2008–22/3/2009* (London, 2008), will be used in this paper as the main reference to the objects discussed.

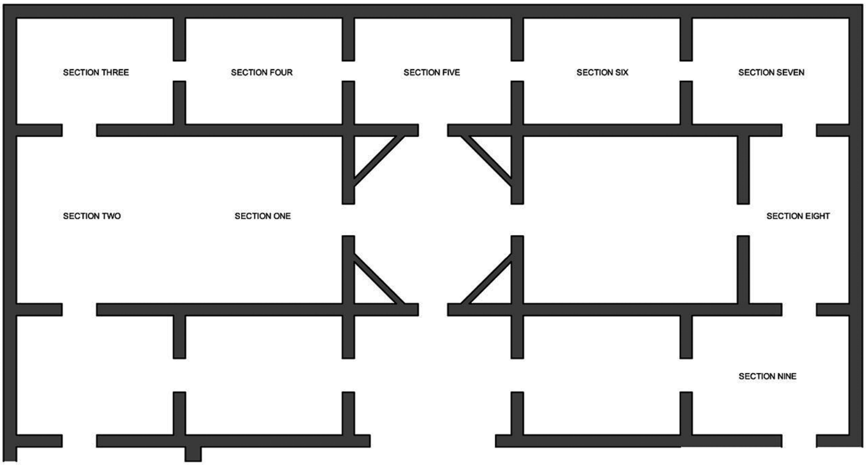


Figure 22.1 Ground plan with the Sections of the *Byzantium 330–1453* exhibition

how close it came to western art in the twelfth and thirteenth centuries before it began to diverge into characteristic Orthodox forms in the fourteenth century, and gained its self-identity before it was submerged by the Ottoman Conquest of Constantinople in 1453. Throughout this long period it also influenced many surrounding societies which appropriated Byzantine styles of art.

The exhibition was set out as a chronological narrative, but as the visitor passed through each room, a variety of themes built up the story of change and development within a long-lasting and traditional Christian society and culture (Figure 22.1). It started with Section One, entitled 'The Beginnings of Christian Art'. The objects in this section reflected the main change that Christianity brought to pagan Antiquity in new pictorial subjects and themes and new ways of housing the body in death – with the promise of life after death for converts to the new religion. Two marble sculptures from the Cleveland Museum of Art (Figure 22.2) with the story of Jonas, dating from the second half of the third century and therefore predating the chronological boundaries of the exhibition, were used to show how the new art developed out of the Classical tradition.[2] On the first, Jonah is cast up from the fish and in the second he is beneath the gourd tree. An early-fifth-century chamber tomb from Thessaloniki with the Old Testament story of Susanna and the Elders on its western wall was used to illustrate the creation of new subjects that entered the artistic vocabulary.[3] At the same this 'new art' made abundant use of themes from the pagan past, as was clearly shown by a sixth-century mosaic floor from Thebes (Figure 22.3) in central Greece, which

[2] *Byzantium 330–1453*, nos 1–2 (R. Cormack).

[3] *Byzantium 330–1453*, nos 9.1 and 9.2 (E. Angelkou).



Figure 22.2 Cleveland Museum of Art. Two of the Jonas sculptures

includes the personification of four months: February holds a pair of ducks, April a sheep, July sheaves of wheat, while the attributes of the month of May have been destroyed. A dedicatory inscription tells the viewer that Demetrios and Epiphanes made this mosaic; Demetrios designed it and Epiphanes executed it with great care. Responsible for the whole work was Pavlos, priest and teacher of the divine world (ΔΗΜΗΤΡΙΟC ΕΠΙΦΑΝΗC ΤΕ ΤΟ ΜΟΥCΙΟΝ ΠΟΙΕΙ. ΔΗΜΗΤΡΙΟC ΜΕΝ ΕΝΝΟΗCΑC ΤΗΝ ΓΡΑΦΗΝ ΤΑΥΤΗC Δ' ΥΠΟΥΡΓΟC ΕΠΙΦΑΝΗC ΕΥΝΟΥCΤΑΤ(ΟC). ΠΑΥΛΟC ΔΕ ΠΑΝΤΩΝ ΑΙΤΙΟC ΤΩΝ ΕΥΠΡΕΠΩ(C) ΙΕΡΕΥC ΤΕ ΚΑΙ ΘΕΙΩΝ ΛΟΓΩΝ ΔΙΔΑCΚΑΛΟC).[4]

Section Two, 'From Constantine to Iconoclasm', covered the first five centuries of Byzantium by focusing on the foundation of Byzantine Constantinople and the building of the greatest Christian church of the new religion, the Church of Hagia Sophia (Figure 22.4). The key figures and events in this room were Constantine the Great who founded the city in 324, Justinian the Great (527–65), who enhanced the status of Constantinople as the capital of the Christian Roman Empire, and the outbreak of Byzantine Iconoclasm in 730. It showed how Byzantine art began and gradually established its character and functions. The gallery featured works in various media dating from the foundation of Constantinople (324) and its inauguration (330) up to the end of Iconoclasm (843), including an impressive range of coins, which characterise an imperial feature of Byzantine authority.

[4] *Byzantium 330–1453*, no. 8 (E. Geroussi-Bendermacher). P. Atzaka has commented upon this mosaic floor on several occasions and has placed it in the tradition of Late Antiquity as far as its subject matter and the collaboration of a painter and a mosaicist for its execution is concerned. See most recently P. Atzaka, *Το επάγγελμα του ψηφοθέτη (4ος α. π. Χ – 8ος αι. μ. Χ)* (Athens, 2011), 28, 86, 90.

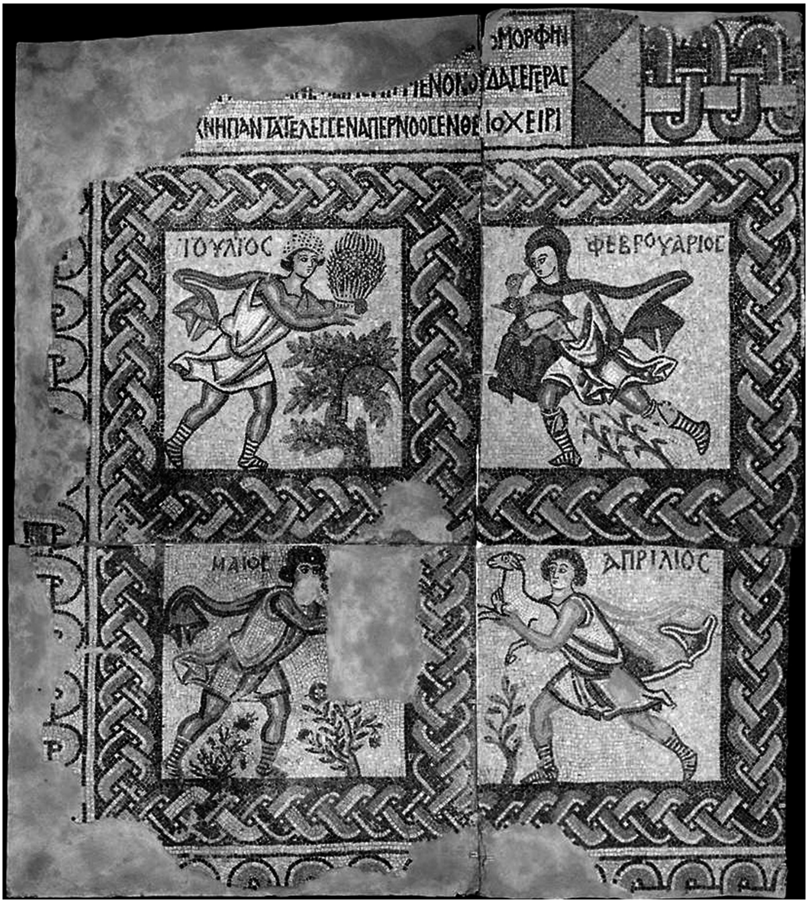


Figure 22.3 23rd Ephorate of Byzantine Antiquities, Chalkis. A mosaic pavement from Thebes. Detail

The Antioch chalice (Figure 22.5) in Section Two attracted much interest.[5] It is an object that appeared on the art market during the first decades of the twentieth century and was believed to be the Holy Grail. When the Metropolitan Museum of Art in New York acquired it in the 1950s its claim to be the Holy Grail could no longer stand as it was made clear that it dates from the sixth century. Furthermore it is no longer believed to be a chalice but most probably a lamp quite similar to the one on a paten with the *Communion of the Apostles* from the Dumbarton Oaks Collection,[6] also exhibited in the same Section at the Royal Academy.

5 *Byzantium 330–1453*, no. 19 (H.C. Evans).

6 *Byzantium 330–1453*, no. 20 (G. Bühl).



Figure 22.4 Royal Academy of Arts, London. General view to Section Two 'From Constantine to Iconoclasm' of the *Byzantium 330–1453* exhibition

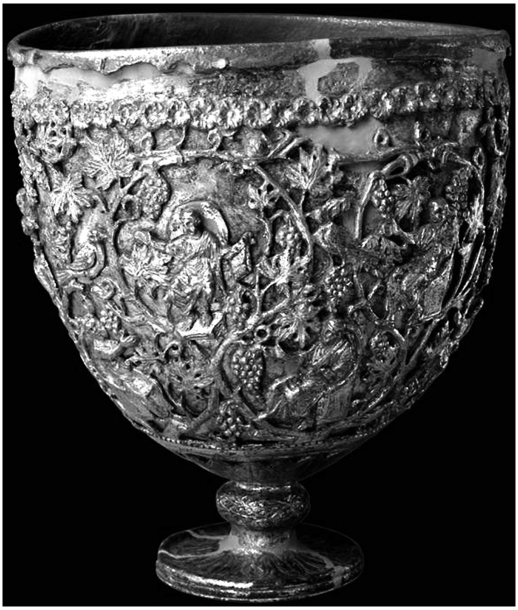


Figure 22.5 Metropolitan Museum of Art, New York. The Antioch Chalice

An ivory with St Michael the Archangel is the largest single piece of ivory to survive from Byzantium.[7] The archangel would have offered the orb to a figure depicted on the left wing, now missing, who was presumably an emperor. As it is dated to the years 525–550 and falls, therefore, within the reign of the emperor Justinian, it is believed that he was represented on the left wing.

Pilgrims to the Holy Land would take back home flasks (*ampullae* or *eulogiae*) with holy oil as souvenirs of their pilgrimage. Two such flasks now in the Museo e Tesoro del Duomo in Monza were exhibited at the Royal Academy.[8] They belong to a group of 16 and were given to the cathedral of Monza by the Lombard queen Theodolinda in about 600. The one with the Crucifixion, Resurrection and Ascension must certainly come from Jerusalem, where the sites of all the Gospel events depicted on it were located. The second flask with the Adoration of the Magi and the Ascension has an inscription which reads: ΕΛΕΟΝ ΞΥΛΟΥ ΖΩΗϹ ΤΩΝ ΑΓΙΩΝ ΧΡΙϹΤΟΥ ΤΟΠΩΝ (= oil of the wood of life from the holy places of Christ).

Three silver plates with the story of King David (Figure 22.6) came from the Cyprus Museum in Nicosia and show (a) David summoned to Samuel, (b) his marriage to Saul's daughter, Michal, and (c) David slaying a bear.[9] With the help of their silver stamps these plates are dated between 613 and 629/30, that is during the reign of the emperor Herakleios (610–641). They belong to the so-called 'second Lambousa treasure', which was illegally excavated in 1902 in the Byzantine city of Lambousa, near Kyrenia in northern Cyprus.[10] These three plates form a group with six more, also showing episodes from the early life of King David,[11] offered to the Metropolitan Museum, New York in 1917 by the son of John Pierpont Morgan,

[7] *Byzantium 330–1453*, no. 21 (A. Eastmond).

[8] *Byzantium 330–1453*, nos 26–7 (J. Elsner).

[9] *Byzantium 330–1453*, nos 30–2 (P. Flourentzos).

[10] A. and J. Stylianou, *The Treasures of Lambousa* (in Greek with English preface and summary) (Nicosia, 1969).

[11] The first to publish the second Lambousa treasure in 1906 was O.M. Dalton, who six years earlier had also published the first Lambousa treasure: O.M. Dalton, 'A Second Silver Treasure from Cyprus', *Archaeologia* 60 (1906), 1–24 and O.M. Dalton, 'A Byzantine Silver Treasure from the District of Kyrenia, Cyprus', *Archaeologia*, 57(1900), 159–74. The main publications on the David plates appeared in the 1970s in a series of five articles by different authors. K. Weitzmann, 'Prolegomena to a Study of the Cyprus Plates', *Metropolitan Museum Journal* 3 (1970), 97–111; M. van Grunsven-Eygenraam, 'Heraclius and the David Plates', *Bulletin Antieke Beschaving* 48 (1973), 158–74; S.H. Wander, 'The Cyprus Plates: The Story of David and Goliath', *Metropolitan Museum Journal* 8 (1973), 89–104; S.A. Alexander, 'Heraclius, Byzantine Imperial Ideology and the David Plates', *Speculum* 52 (1977), 217–37; J. Trilling, 'Myth and Metaphor at the Byzantine Court: a Literary Approach to the David Plates', *Byzantion* 48 (1978), 249–63. The David plates of the Metropolitan Museum were shown in the major exhibition organised by the Museum in 1977–78 *Age of Spirituality* and were included in its catalogue that appeared in 1979, K. Weitzmann, ed., *Age of Spirituality: Late Antique and Early Christian Art, Third to Seventh Century* (New York, 1979), 475–83 (H.L. Kessler), nos 425, 427, 429, 430, 431, 433. R.E.



Figure 22.6 Cyprus Archaeological Museum, Nicosia. The Cyprus Plates

who had bought them in Paris in 1906.[12] The silver plates from the Cyprus Museum in Nicosia were exhibited at the Royal Academy together with objects which came from the 'first Lambousa treasure'[13] and are today in the British Museum, such as, for example, a hexagonal censer with busts of the Virgin, Christ and the Apostles[14] or a bowl with the portrait of a saint usually identified as St Sergios.[15]

How can one depict Iconoclasm when all images of Christ, the Virgin and saints were banned by the emperor and the Church from the City and provinces? We can, with the help of illuminated manuscripts such as the famous ninth-century Khludov Psalter from the State Historical Museum (GIM, 86795, Khlud. 129-d), in Moscow,[16] in which the act of an icon smasher whitewashing an image of Christ is paralleled with the act of those who gave Christ on the cross gall and vinegar. The same scene is repeated in the eleventh-century Theodore Psalter from the British Library (BL, Add. 19352), which was exhibited next to the Khludov.[17] The end of Iconoclasm and the triumph of icons can be illustrated with the icon of the *Triumph of Orthodoxy* from the British Museum, which gives a pictorial account of a historical event.[18] The protagonists of the end of Iconoclasm, the Empress Theodora, her son, Michael III and the Patriarch Methodios are standing on either side of the icon of the Virgin Hodegetria, while those who gave their lives to protect the veneration of icons are depicted on the lower register of the

Leader-Newby, *Silver and Society in Late Antiquity. Functions and Meanings of Silver Plate in the Fourth to Seventh Centuries* (Aldershot, 2004), 181–95.

[12] These plates, loaned by J. Pierpont Morgan to the Victoria and Albert Museum, were first exhibited in London in 1917.

[13] The first Lambousa treasure was illegally excavated in the late 19th c. and the largest part of it was bought by the British Museum in 1899. For this treasure see nn.10–11.

[14] *Byzantium 330–1453*, no. 36 (M. Mundell Mango).

[15] *Byzantium 330–1453*, no. 45 (M. Mundell Mango).

[16] *Byzantium 330–1453*, no. 50 (R. Cormack).

[17] *Byzantium 330–1453*, no. 51 (R. Cormack).

[18] *Byzantium 330–1453*, no. 57 (R. Cormack).



Figure 22.7 Royal Academy of Arts, London. General view to Section Three 'At Court' of the *Byzantium 330–1453* exhibition

icon: among them St Theodosia, St Theophanes the Confessor and St Theodore the Stoudite are named.

Section Three was called 'At Court', as many of the objects in this room were made for use in the Great Palace of the Byzantine emperors (Figure 22.7). The new art of the ninth to the eleventh centuries is demonstrated in the use of new media, such as cloissonné enamels which were first developed in the west and taken over and refined in Constantinople, and in the increased use of such materials as elephant ivory. Many of these objects were looted after 1204 and taken to the west. Objects such as the gold glass cup in the San Marco Treasury indicate the complexity of this rich art with its new techniques, incorporation of pseudo-Kufic inscriptions and recreations of antique gems.[19] Manuscripts and icons show the opulence and fantastic virtuosity of this period – and much of the work exhibited in this section has been connected with the Emperor Constantine VII Porphyrogennetos (945–959), such as the famous Paris Psalter from the Bibliothèque Nationale (Par. Gr. 139) with the psalms of David and full-page miniatures;[20] the gold glass cup, in which recreations of antique gems meet with Islamic motives and pseudo-Kufic inscriptions; an ivory with Constantine Porphyrogennetos being crowned by Christ,[21] and the Veroli

[19] *Byzantium 330–1453*, no. 62 (M. da Villa Urbani).

[20] *Byzantium 330–1453*, no. 60 (C. Förstel).

[21] *Byzantium 330–1453*, no. 68 (E. Pilnik).



Figure 22.8 Treasury of San Marco, Venice. The Virgin's Grotto

casket,[22] kept today in the Victoria and Albert Museum, London. The latter, an exquisite object of secular life, shows scenes such as the rape of Europe, the sacrifice of Iphigeneia, and Dionysiac scenes with dancing maenads and naked puti.

Not only Constantine Porphyrogennetos but also his father, Leo VI (886–912), was included in this room through two objects. The first is the well-known crown of Leo with the emperor depicted among the apostles.[23] When the crown was taken to Venice in 1204, a temple in rock crystal of the fourth to fifth centuries was placed on top of the crown and a thirteenth-century statuette of the Virgin turned the object into what was described in the nineteenth century as the Virgin's Grotto (Figure 22.8). The second is an ivory object, which is usually described in the literature as the handle of a sceptre, with the Virgin Mary placing a jewel on Leo VI's crown,[24] which is now thought to be the grip of a solid one-row comb.[25]

22 *Byzantium 330–1453*, no. 66 (A. Eastmond).

23 *Byzantium 330–1453*, no. 64 (M. da Villa Urbani).

24 K. Corrigan, 'The Ivory Sceptre of Leo VI: A Statement of Post-Iconoclastic Imperial Ideology', *Art Bulletin* 60 (1978), pp. 407–16; A. Arnulf, 'Eine Perle für das Haupt Leons VI. Epigraphische und ikonographische Untersuchungen zum sogenannten Szepter Leons VI', *Jahrbuch der Berliner Museen* 32 (1990), pp. 69–84.

25 *Byzantium 330–1453*, no. 69 (G. Bühl). G. Bühl and H. Jehle, 'Des Kaisers altes Zepter –des Kaisers neuer Kamm', *Jahrbuch Preussischer Kulturbesitz* 39 (2002), pp. 289–306.

Though both Robin Cormack and I felt reluctant to accept this identification, we had to adopt it for the exhibition label.

An icon of St Michael the Archangel from the Treasury of San Marco is an extremely rare example of an icon made in enamel and solid gold.[26] It is believed that this icon was made just before 1204 and it was the first and only time that craftsmen in Constantinople had managed to produce relief enamel for the face, hair and neck of the central figure. The icon depicts an idealised Paradise garden whose entrance is guarded by the Archangel Michael.

Section Four was called 'At Home'. It presented a contrast to the luxury of the court and palace of the previous room. The objects showed the range of different artistic forms – from everyday domestic ceramics to silver dining ware and jewellery. In this gallery objects such as a tunic worn by a child in Coptic Egypt,[27] what remains of a child's leather sandals[28] and figurines in bone that may be children's dolls were displayed,[29] together with golden jewellery worn by both men and women.[30] A fourteenth-century sword from the Museum of Applied Arts in Belgrade (Figure 22.9) decorated with the bust of the Virgin and Child was shown in this section. An inscription that runs along the vertical axis of the sword asks the Virgin to help the owner not to fail when using it: ZH O EIC CE ΕΛΠΙΖΩΝ ΟΥ ΑΠΟΤΥΧΟΙ.[31]

Only the wealthy used silver dishes[32] and spoons[33] and we have to remember that most people ate with their hands or at most spoons (Figure 22.10). As we know, forks were brought into western dining habits around the turn of the eleventh century. Judith Herrin has a wonderful chapter entitled 'Venice and the Fork' in her book *Byzantium: The Surprising Life of a Medieval Empire*, in which she reminds us of the story of the Byzantine aristocrat Maria Argyropoulaina, who took a little golden fork with her when she went to Venice in 1004/5 after her marriage to Giovanni Orseolo, son of the doge Pietro II.[34]

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[26] *Byzantium 330–1453*, no. 58 (M. da Villa Urbani).

[27] *Byzantium 330–1453*, no. 165 (R. Cortopassi).

[28] *Byzantium 330–1453*, no. 166 (A. Drandaki).

[29] *Byzantium 330–1453*, nos 162–4 (M. Moraitou).

[30] Pendants, necklaces, body chains, belt buckles, strap ends, bracelets, earrings, rings etc. *Byzantium 330–1453*, nos 119–58 (various authors).

[31] *Byzantium 330–1453*, no. 103 (D. Milovanović).

[32] *Byzantium 330–1453*, nos 105, 106 (I. Touratsoglou).

[33] *Byzantium 330–1453*, nos 99, 100 (M. Martiniani-Reber), 101–2 (M. Mundell Mango) etc.

[34] J. Herrin, *Byzantium: The Surprising Life of a Medieval Empire*, London 2008, pp. 203–11, esp. 203, 205. Herrin cites the following passage from Peter Damian, *Institutio monialis*, c. eleventh century: *She did not touch her food with her hands but when her eunuchs had cut it up into small pieces she daintily lifted them to her mouth with a small two-pronged gold fork*. On Byzantine forks see the recent study M. Parani, 'Byzantine Cutlery: An Overview', *DeltChAE* 31(2010), pp. 139–62, esp. 145–50.

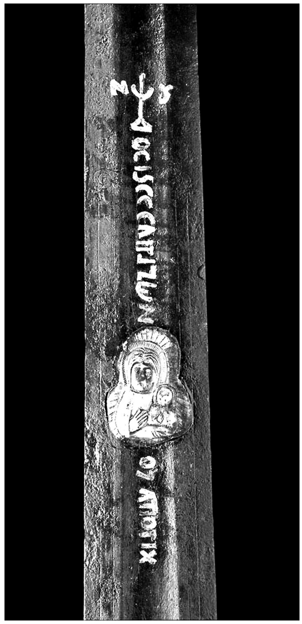


Figure 22.9 Belgrade Museum of Applied Arts. Sword. Detail

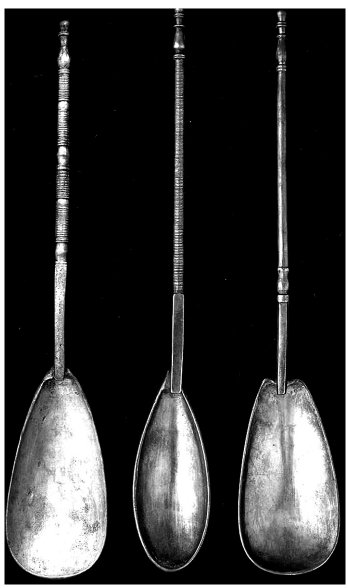


Figure 22.10 Byzantine and Christian Museum, Athens. Three Spoons



Figure 22.11 Royal Academy of Arts, London. General view to Section Five 'At Church' of the *Byzantium 330–1453* exhibition

Section Five (Figure 22.11) was called 'At Church'. A key object in this gallery was the model of a Byzantine church[35] initially used as an incense burner or a perfume brazier but transformed into a reliquary after it was taken to Venice in 1204. This was placed next to a miniature from the illuminated manuscript in the Bibliothèque Nationale in Paris (Paris. Gr.. 1208) with six Homilies on the Virgin Mary by James Kokkinobaphos, Ιάκωβος της Μονής Κοκκινοβάφου.[36] The miniature shows the scene of the Ascension taking place inside a Byzantine church that is believed to represent the Church of the Holy Apostles in Constantinople. Both objects (the incense burner/perfume brazier and the miniature) reproduce the architectural type of a church with a central dome and four auxiliary domes. The third object, also an illuminated manuscript,[37] exhibited in the same showcase, takes us to the interior of a church, most probably the monastery of Hodegon in Constantinople where the icon of the Virgin Hodegetria was housed, which was believed to have been painted by the evangelist Luke and later became the palladium of Constantinople and of the whole empire.

[35] *Byzantium 330–1453*, no. 176 (M. da Villa Urbani).

[36] *Byzantium 330–1453*, no. 175 (C. Förstel).

[37] It is the so called Hamilton Psalter 119, today kept in the Kupferstichkabinett (78 A 9) in Berlin *Byzantium 330–1453*, no. 177 (R. Cormack).

A marble screen of the second half of the ninth century stood in the centre of the room. It had been assembled from pieces such as an epistyle[38] from the templon of the Chapel of St Paul in the Church of the Dormition of the Virgin at Skripou in mainland Greece, which is one of the first sanctuary screens produced after the end of Iconoclasm.[39] The church at Skripou is securely dated to the year 873/74 through carved dedicatory inscriptions, which also give the name of its founder, the protospatharios Leo.[40] The whole of the Skripou templon collapsed in the late nineteenth century after an earthquake and is now kept in storage. The two double-sided closure panels[41] of the marble screen do not come from the church at Skripou but from that of St Gregory in the town of Thebes, excavated by Georgios Soteriou in the 1920s.[42] They are not only of the same date as the epistyle but they are also believed to have been produced by the same workshop, active in the area of Thebes in the second half of the ninth century.[43] The Church of St Gregory in Thebes was founded, according to an inscription, by an imperial official, the kandidatos Basileios in 872/73.

Two church bells both produced in Serbia by the same workshop and on the same day, 2 August 1432, were also exhibited in this section.[44] These are among the very few Byzantine church bells to have survived, as most were melted down to be used for guns etc. Chalices, censers in various types, shapes and forms, processional crosses and processional icons, displayed here, all played an important role in church services.[45]

Section Six was entirely devoted to 'Icons'. Icons are one of the most important legacies of Byzantium. They are the most characteristic products of Byzantine society and the Orthodox Church. The end of Iconoclasm (843) marked the growth in importance of icons, which from then on became an integral part of the Church and its rituals. The clearest evidence of this importance is given by the history of the sanctuary screen. This section housed icons in egg tempera, which is the common medium of icons, as well as icons in micromosaic. Two icons which decorated the wooden screen of a church in Ohrid, most probably the Cathedral

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38 *Byzantium 330–1453*, no. 183 (E. Dafi).

39 A.H.S. Megaw, 'The Scripou Screen', *BSA* 61(1966), pp. 1–32.

40 A. Papalexandrou, *The Church of the Virgin of Scripou: Architecture, Sculpture and Inscriptions in Ninth-century Byzantium*, PhD thesis, Princeton University 1998.

41 *Byzantium 330–1453*, nos 185 (N.D. Kontogiannis and A. Tsaka) and 186 (M. Skordara).

42 G. Soteriou, 'Ο εν Θήβαις βυζαντινός ναός Γρηγορίου του Θεολόγου', *Αρχαιολογική Εφημερίς* 1924, pp. 1–26.

43 This workshop appears to have been also active in Athens, Corinth, Volos and the island of Euboea. A. Grabar, *Sculptures byzantines de Constantinople, IVe–Xe siècles*, Paris 1963, pp. 95–9. Papalexandrou, op. cit., pp. 220–33.

44 *Byzantium 330–1453*, nos 172 (D. Milovanović), 173 (N. Cerović).

45 *Byzantium 330–1453*, nos 187 (C. Kondoleon), 189 (A. Drandaki), 190 (M. Martiniani-Reber), 191 (B. Pitarakis) etc.



Figure 22.12 Icon Gallery, Ohrid. Icon of the Virgin Psychosostria and of Christ

of St Sophia, were shown in this gallery (Figure 22.12).[46] They date from the middle of the fourteenth century and were presumably painted in Thessaloniki. The Virgin bears the inscription Η ΨΥΧΟCΩCΤΡΙΑ (= she who saves souls). An inscription on the bottom frame of Christ's icon says that this icon was offered to God for the redemption of the sins of the sebastokrator Isaakios Doukas (maybe the commander of the cavalry of the Serbian Tsar Dušan and governor of Ohrid in the fourteenth century).

A micromosaic icon with Christ as the Man of Sorrows (Figure 22.13) was produced around 1300 in Constantinople.[47] Soon after, this icon found its way to the monastery of St Catherine at Sinai, as it has a painting of St Catherine and of the monastery on its back. It was taken to Italy by the Count of Lecce, who visited Sinai, in 1380 and was donated in 1385 to the Church of Sta Croce in Gerusalemme in Rome, where it acquired its late Renaissance case with relics of saints wrapped in silk and individually labelled. The icon was kept in a subterranean chapel known as the 'Chapel di Gerusalemme', whose pavement was laid on earth brought from Golgotha.[48]

46 *Byzantium 330–1453*, nos 231–2 (M. Georgievski).

47 *Byzantium 330–1453*, no. 228 (R. Cormack).

48 C. Bertelli, 'The *Image of Pity* in Santa Croce in Gerusalemme', in D. Fraser, H. Hibbard and M.J. Lewine (eds), *Essays in the History of Art Presented to Rudolf Wittkower*, London 1967, pp. 40–55.

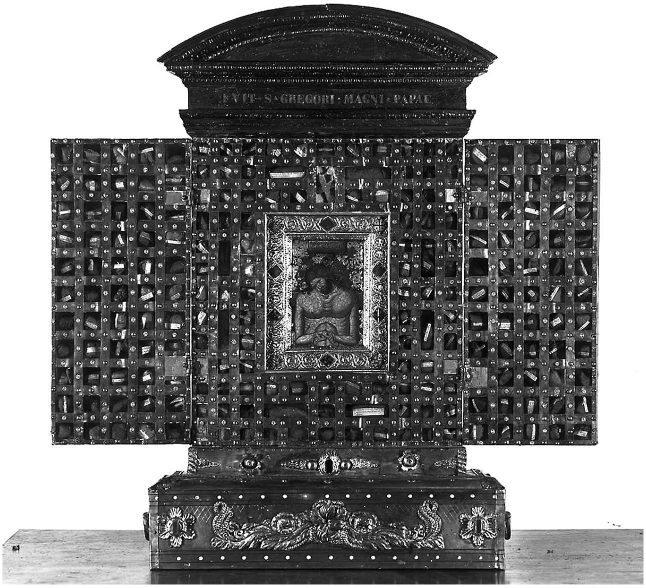


Figure 22.13 Basilica di Sta Croce in Gerusalemme, Rome. Micromosaic Icon with the Man of Sorrows

A diptych with the Twelve Major Feasts, the so-called Dodekaorton, also in micromosaic, housed today in the Museum of the Duomo in Florence, is one of the most representative examples of this medium.[49] It was produced in Constantinople at the beginning of the fourteenth century and according to tradition the diptych arrived in Florence in 1394 as a bequest to the Baptistry of San Giovanni in Fonte made by the Venetian Nicoletta di Antonio Grione, widow of an official at the Byzantine court of John VI Kantakouzenos (1347–1354).

The last two icons in this room, the Virgin Kardiotissa and St Theodore Tero (Figure 22.14),[50] both from the Byzantine Museum in Athens, bear the signature of a Cretan icon painter of the first half of the fifteenth century, who signed his icon with his first name alone: ΧΕΙΡ ΑΓΓΕΛΟΥ (= Hand of Angelos). He has been identified with Angelos Akotantos known to us through a will he wrote in his own hand when about to sail from Crete to Constantinople in 1436.[51]

[49] *Byzantium 330–1453*, no. 227 (M. Bacci).

[50] *Byzantium 330–1453*, nos 238, 239 (K-Ph. Kallafati).

[51] On this painter see most recently: M. Vassilaki, *The Painter Angelos and Icon-Painting in Venetian Crete,* Farnham 2009. M. Vassilaki (ed.), *Hand of Angelos: an Icon-Painter in Venetian Crete,* exh. cat., Benaki Museum 16/10/2010–16/1/2011, London and Athens 2010.



Figure 22.14 Byzantine and Christian Museum, Athens. Two Icons by the Painter Angelos

Section Seven was labelled 'Byzantium and the West' and showed works in which the influence of Byzantine art on western, mostly Italian painters, is more than obvious. This is clear from the following examples: the first is a two-sided, processional icon with the Virgin and Child on one side and Christ as the Man of Sorrows on the other; it is dated to the late twelfth century and comes from Kastoria in northern Greece.[52] An Umbrian artist must have seen a similar icon and copied it in a diptych from the National Gallery, London (Figure 22.15).[53] A cross in this section shows the impact Byzantine crosses exercised on Italian painters such as Giunta Pisano, who painted it in the mid thirteenth century.[54]

[52] *Byzantium 330–1453*, no. 246 (A. Strati). H. Belting, 'An Image and its Function in the Liturgy: The Man of Sorrows in Byzantium', *Dumbarton Oaks Papers* 34–5 (1980–81), pp. 1–16.

[53] *Byzantium 330–1453*, no. 247.1–2 (J. Cannon). See also J. Cannon, 'The Stoclet Man of Sorrows. A Thirteenth-century Italian Diptych Reunited', *The Burlington Magazine* 141(1999), pp. 107–12.

[54] *Byzantium 330–1453*, no. 249 (M. Buresi and L. Carletti). J. Cannon, 'The Era of the Great Painted Crucifix: Giotto, Cimabue, Giunta Pisano, and their Anonymous Contemporaries', *Renaissance Studies* 16(2002), pp. 571–81.



Figure 22.15 National Gallery, London. Diptych

The bronze doors from Atrani were commissioned in Constantinople in 1087 by a certain Pantaleon, son of Pantaleon Viarecta, originally for the Church of San Sebastiano dei Mangani in Atrani, near Amalfi.[55] They are now used for the Church of San Salvatore de Birecto in the same town. This was a unique opportunity to have these doors exhibited at the Royal Academy as they had been taken down for restoration.

Section Eight was called 'Beyond Byzantium'. It indicated the complexity of the Orthodox response to art by the inclusion in this section of objects from the Armenian, Syrian, Coptic, Georgian and Slavonic world. The mosaic of St Stephen the deacon comes from the Church of St Michael of the Golden Domes in Kiev, which was destroyed in 1934.[56] It is the work of a Byzantine mosaicist, who was invited from Constantinople to execute the mosaic decoration in this

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55 *Byzantium 330–1453*, no. 265 (V. Pace). *Byzantium 330–1453*, no. 227. A. Iacobini, 'Arte e tecnologia bizantina nel Mediterraneo. Le porte bronzee dell'XI –XII secolo', in A.C. Quintavalle (ed.), *L'Occidente, Bisanzio e l'Islam, Atti del Convegno internazionale di Studi, Parma 21–25/9/2004 (I covegni di Parma, 7),* Milan 2007, pp. 496–510. A. Iacobini, 'Le porte bronzee bizantine in Italia: arte e tecnologia nel Mediterraneo medievale', in A. Iacobini (ed.), *Le porte del Paradiso. Arte e tecnologia bizantina tra Italia e Mediterraneo*, Convegno internazionale di studi, Istituto Svizzero di Roma 6–7 dicembre 2006, Rome 2009, pp. 15–54.

56 *Byzantium 330–1453*, no. 268 (L. James).

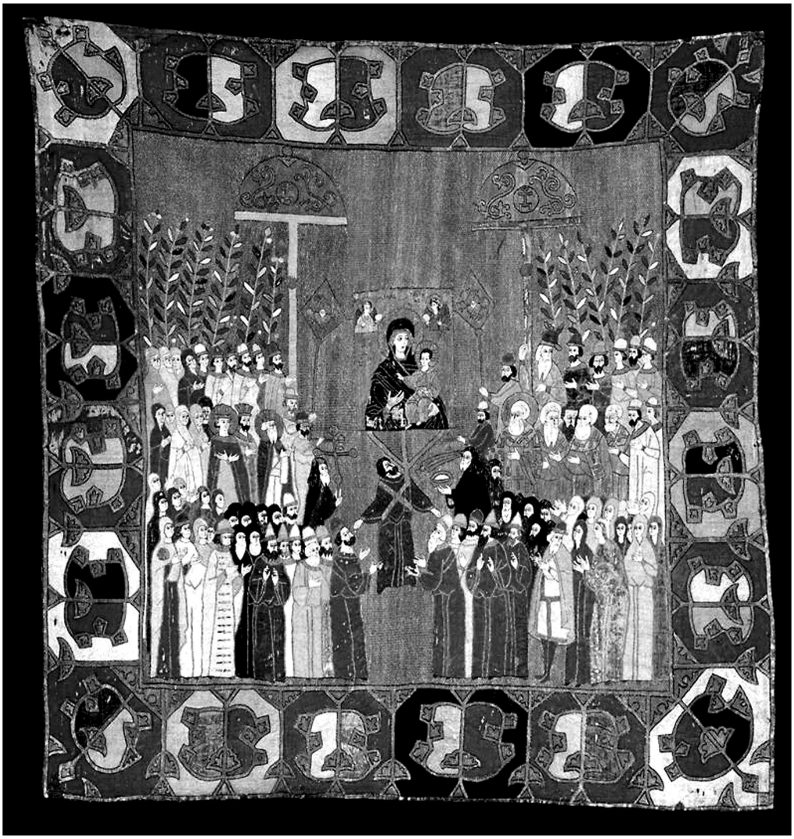


Figure 22.16 State Historical Museum, Moscow. Textile Icon

cathedral, which was founded in 1108 by the Kievan prince Sviatopolk. In the mid fourteenth century the Bulgarian Tsar Ivan Alexander commissioned an illuminated Gospel book (British Library Add. Ms. 39627),[57] which copies an eleventh-century manuscript, such as the one now in the Bibliothèque Nationale in Paris (Paris. Gr. 74). Ivan Alexander, lavishly dressed, appears to donate his Gospels. A few fragments of his robe, excavated recently from his tomb in the Church of St Nicholas in Stanicenje (near Pirot) offer evidence of his lavish vestments on which the symbol of the double-headed eagle and his name and title appear.[58] An embroidered textile with the procession of the icon of the Virgin Hodegetria (Figure 22.16), today in the State Historical Museum in Moscow,

[57] *Byzantium 330–1453*, no. 287 (R. Cormack).

[58] *Byzantium 330–1453*, no. 288 (A. Nitić and Ž. Temerinski).



Figure 22.17 Royal Academy of Arts, London. General view to Section Nine 'The Monastery of St Catherine at Sinai' of the *Byzantium 330–1453* exhibition

was also exhibited in this section.[59] It does not represent the well-known Tuesday procession in Constantinople but a Moscovite procession unknown from any other sources. The three men in crown-shaped caps have been identified as the Grand Prince Ivan III, his son Vassili and his grandson Dimitri.[60] The iconography of this textile, dated in 1498, makes perfect sense with the claim of Moscow to be the 'Third Rome' after 1453.

Section Nine (Figure 22.17) was the last section of the exhibition and was dedicated to the 'Holy Monastery of St Catherine at Sinai'. If one were to ask where the spirit of Byzantium lives today, a possible answer would be in this monastery. Built by the emperor Justinian in the middle of the sixth century at the place where Moses took off his sandals in front of the burning bush and the mountain where he received the tablets of law, it remains intact to this day. Some of the icons at Sinai date from as early as the mid sixth century and may have been donated by the emperor Justinian himself. As the monastery was under Arab rule from 640 to 642 it did not experience acts of violation against its holy icons during Iconoclasm, which broke out in 730. The two early icons in this section, one

[59] *Byzantium 330–1453*, no. 266 (A. Lidov).

[60] L.M. Evseeva, 'Broderie du 1498 et la cérémonie de couronnement', *Drevnerusskoie iskusstvo Vizantia i Rus'. K stoletin A.N. Grabara*, St Petersburg 1999, pp. 430–8.



Figure 22.18 Monastery of St Catherine at Sinai. Icon of the Heavenly Ladder

with the Virgin and Child[61] and the other with Sts Sergios and Bacchos,[62] both in the encaustic technique and originally housed in Sinai, were taken to Kiev in the mid nineteenth century by the Archimandrite Porfiry Uspenski.[63] Five of the icons from Sinai exhibited at the Royal Academy form a group reunited here;[64] four of these, with the Archangels Michael and Gabriel and the Apostles Peter and Paul, belonged to a Deisis register of an iconostasis together with the Royal Doors with the Annunciation. The epistyle with scenes from the Dodekaorton was also made to decorate the screen of a chapel in the monastery or perhaps the screen of the main church at Sinai.[65] The late-twelfth-century icon with the Heavenly Ladder of Ioannis tis Klimakos (St John of the Ladder)[66] was the last piece the visitor could see before leaving the exhibition (Figure 22.18). It is linked with Sinai not only because it is housed there but mainly because the treatise of the Heavenly Ladder, which it illustrates, was written there in the seventh century by Ioannis (c.579–650), who was a monk at Sinai and later became abbot of the monastery. The text speaks of the vices that a monk has to avoid and of the virtues that he has to acquire in order to reach God. The text is divided into 30 chapters and so accordingly is the icon, showing a ladder with 30 rungs. On top of the ladder is St John tis Klimakos followed by the abbot of the monastery, Antonios, who may have commissioned it. Christ appears from a quadrant, which represents heaven, and is blessing St John. A long row of monks is following St John and Antonios, all looking up towards heaven. Those defeated by temptation are pulled down by black devils with the help of black chains. They will be punished in Hell. The mouth of Hell is at the bottom of the ladder and one of the monks is already halfway inside it.

Having given an outline of the exhibition, I will now make a few remarks about what notions of authority were included in it. The portrait bust of Constantine the Great[67] in the First Section (Figure 22.19) speaks of the authority of an emperor, who became emblematic of imperial power in Byzantium. Although medieval rulers did not commemorate themselves in similar monumental sculpted fashion, they all looked back to Constantine as the founder of their capital city and emulated his achievement as they understood it. The crown of Leo VI[68] in the section 'At Court' also underlines the authority of the emperor, but its later transformation into the Virgin's Grotto (Figure 22.8) reflects the de-authorisation of an object. It also enhances the authority of the Virgin, who was already depicted as crowning Emperor Leo on the other ivory object, which may be the grip of a

61 *Byzantium 330–1453*, no. 314 (R. Cormack).

62 *Byzantium 330–1453*, no. 313 (R. Cormack).

63 P. Uspensky, *Second Journey to Sinai* (in Russian), Kiev 1850.

64 *Byzantium 330–1453*, p. 360, nos 318–22 (R. Cormack).

65 *Byzantium 330–1453*, no. 317 (M. Vassilaki).

66 *Byzantium 330–1453*, no. 323 (M. Vassilaki).

67 *Byzantium 330–1453*, no. 5 (J. Kondić).

68 See above n. 23.

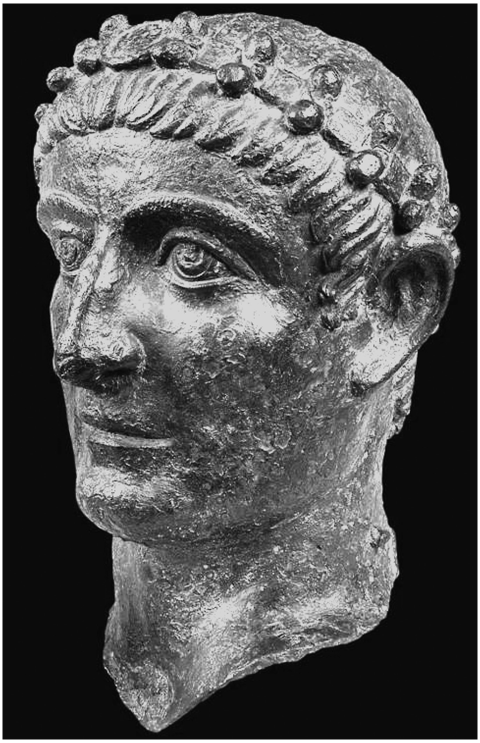


Figure 22.19 National Museum, Belgrade. Bust of the Emperor Constantine I

comb. In the ivory with Constantine Porphyrogennetos being crowned by Christ,[69] the authority of Christ is shown to exceed that of the emperor. This confirms the medieval notion that emperors were approved by God and could not perform the imperial role without divine assistance.

The authority of the Church as an institution is present in the Second Section but more significant than this is the authority of Hagia Sophia as a Church structure, another model to which later architects and builders returned time and again. The authority of Hagia Sophia's dome was also apparent in this room through this lighting device that encircled the upper space of the room (Figure 22.3). This also echoed the magnificent chandelier hung above the entrance to the exhibition. At the end of this room, the icon of the Triumph of Orthodoxy spoke of the authority which icons gained after Iconoclasm and also the authority of the icon of the Virgin Hodegetria as the most renowned icon ever produced in Byzantium. The authority of the Church was again the main theme in the section 'At Church', where the precious metals, enamels and ivories highlight the deep

[69] See above n. 21.



Figure 22.20 Advertising the *Byzantium 330–1453* exhibition. A telephone booth

respect accorded to the ecclesiastical institutions that upheld Christ's authority on earth.

In works such as the Veroli casket and the Paris Psalter we can see the abiding authority of the classical past, which never disappeared from Byzantium, despite the Church's disapproval of the ancient gods and naked puti. In contrast, in the icon of the Archangel Michael one can speak about the authority which such a brilliant golden object commands through its design and its medium.

The authority of certain pieces in the exhibition, such as this enamel icon of St Michael and the incense burner or perfume brazier, was further underlined by the fact that they were chosen to advertise the show. One could see these objects on the banner at the entrance to the Royal Academy, on buses, on telephone booths (Figure 22.20), in Underground stations (Figure 22.21), and on taxis all over London (Figure 22.22).

The precious golden jewellery[70] of the section 'At Home' reflects the authority of its bearers, who continued to act as patrons of Byzantine art, both secular and religious throughout the empire. The authority of relics is absent from the exhibition until a later stage in the life of objects such as the twelfth-century incense burner or perfume brazier in the shape of a domed church, which became a reliquary after it was brought to Venice in the thirteenth century. A slight alteration was made to allow the removal of its central dome so that a small rock-crystal bottle could be

[70] *Byzantium 330–1453*, nos. 119–58 (various authors).



Figure 22.21 Advertising the *Byzantium 330–1453* exhibition. The London Underground



Figure 22.22 Advertising the *Byzantium 330–1453* exhibition. A London taxi

inserted; this allegedly contained the blood from the Beirut icon which bled when it was stabbed by a Jew. The micromosaic icon of the early fourteenth century with Christ as the Man of Sorrows was also transformed into a reliquary case in the late Renaissance, demonstrating both a western appreciation of a Byzantine work of art, as well as the need for appeals to Christ to be deposited as close as possible to such an impressive representation of His Passion.

The authority of Byzantium was such that it was emulated, appropriated and rivalled by neighbouring societies. The authority of its symbols and their appropriation is clearly illustrated by the textile of the procession of the icon of the Virgin Hodegetria taking place in Moscow[71] or by the fragments of the robe of the Bulgarian Tsar Ivan Alexander with the double-headed eagle.[72] Craftsmen who produced ceramics and manuscripts in the Byzantine style acknowledged different aspects of this authority as they adapted them for their own purposes. The authority of the Byzantine monastery and especially the foundation now dedicated to St Catherine at Mount Sinai was the theme of the last section in the exhibition.

There are many readings one can make of the *Byzantium 330–1453* exhibition, but on the occasion of a conference dedicated to *Authority in Byzantium* I have made one resting on the notion of authority. I cannot pretend, however, that that was what Robin Cormack and I had in mind when we were putting this exhibition together. We have, though, recently been gratified to see that the exhibition itself has gained in authority, in as much as Richard Dorment, the *Daily Telegraph*'s arts critic, rated it as one of the ten best exhibitions from across Britain in the year 2008. Finally, according to the Royal Academy, *Byzantium 330–1453* attracted on average 2,300 visitors each day and reached an overall visitor number of some 342,726. It was the host institution in the end that gave *Byzantium 330–1453* its full authority by listing it as the 16th most successful exhibition that the Royal Academy of Arts had organised since its foundation in 1768.

[71] See pp. 316–17 in the present chapter and n. 59.

[72] See above n. 58.

Part IX

Authority in Byzantine Studies

23

George Ostrogorsky
St Petersburg, 19 January 1902–Belgrade, 24 October, 1976

Ljubomir Maksimović

It is with good reason that George Ostrogorsky became a worldwide legend during his lifetime.[1] Today, as we look back on his life's work from a sufficient distance, we may reaffirm the impression his work left in those times. And the rewards he reaped then, as the material expression of acknowledging great achievement, followed in succession. Besides numerous Yugoslav and foreign awards and decorations for his scholarship (the highest of which was the famous German decoration *Pour le mérite für Wissenschaften und Künste*), I would like to mention just two honorary doctorates from the renowned universities of Oxford and Strasbourg, and membership in 11 academies of science (nine European, starting with the Serbian academy, and two American). His *History of the Byzantine State*, which was published several times in Yugoslavia and Serbia, has become a standard textbook worldwide and even in his lifetime it was printed three times (in the original German),[2] then twice in English, twice in the American version, twice in

[1] As regards the bibliography dealing with Ostrogorsky's personality, I would like to mention just the following contributions: H. Hunger, Georg Ostrogorsky. Nekrolog, *Österr. Akad. d. Wiss. Almanach für das Jahr 1977* (Vienna, 1978), pp. 539–44; B. Ferjančić, Georgije Ostrogorski (1902–1976), *Glas SANU* 372 (Beograd, 1993), pp. 57–95; Lj. Maksimović, Razvoj vizantologije (The Promotion of Byzantine Studies at the University of Belgrade) in *Univerzitet u Beogradu (1838–1988)* (Beograd, 1988), pp. 664–71; R. Radić, Georgije Ostrogorski i srpska vizantologija (George Ostrogorsky and Serbian Byzantinology), in *Ruska emigracija u srpskoj kulturi XX veka 1*(Beograd, 1994), pp. 147–53; S. Pirivatrić, Georgije Ostrogorski, in *Rusi bez Rusije – Srpski Rusi* (Beograd, 1994), pp. 179–88; B. Ferjančić, Ostrogorski. Georgije Aleksandrovič, in *Enciklopedija srpske istoriografije (The Encylopaedia of Serbian Historiography),* eds R. Mihaljčić and S. Ćirković (Beograd, 1997), pp. 548–50. Ostrogorsky's profile, as presented on the next three pages, is based either on unwritten memories of the late B. Ferjančić, or on my own memories.

[2] The German editions are the only original ones, written directly by Ostrogorsky himself: *Geschichte des byzantinischen Staates* (Munich, ^{1}1940, ^{2}1952, ^{3}1963).



Figure 23.1 George Ostrogorsky

Polish, and it also came out in French, Slovene, Italian and Greek editions. Just recently, it appeared in Korean, Japanese and Chinese editions.

Throughout his life, this man of aristocratic demeanour never appeared to be in a hurry, nor did he say he was overburdened with work and had no time. He brought each task he had begun to completion and left behind an almost negligible amount of unfinished research. Yet there was practically no phenomenon or period in Byzantium's 1,000-year-long history to which he did not pay due attention. Still, his opus is not as fascinating in terms of volume as it is in its compactness and interrelatedness. In dealing with what seemed, at first glance, to be very divergent subjects, he pursued an intrinsic, guiding idea that ultimately brought those subjects closer together. Apart from that, Byzantine Studies were only the public domain of his commitment as a researcher, the domain about which everyone knew. He himself admitted that these studies were not his sole preoccupation and that he was equally passionate about his research on Russian literature, which he did privately for his own pleasure.

On the other hand, unlike the customary habit in many fields of research, Ostrogorsky never wrote methodological studies about the essence of research, nor did he deal with the theory of science or the philosophy of history, nor did he write books with the intention of popularising history. He believed, and sometimes even explained that the craft of the historian is not to discuss method but to demonstrate it through research itself. That is why every one of his studies was an enchiridion for mastering a pure methodological approach, a model of how to treat a problem even if the appropriate result would not be achieved.

The same applied to George Ostrogorsky's activities as a teacher. He never told his students or younger colleagues how to do research, he never asked them questions or controlled what they were doing. His educational laboratory consisted of exercises in which all the participants together contributed to the maturation of a particular topic of research. And in his contacts with each person, these activities revolved around what seemed to be incidental remarks that led to the revelation of the essence of the matter. However, confronted with such remarks, his interlocutor was obliged to discover that essence for himself or herself. All of this, naturally, was born of his conviction that pedagogy is nothing other than an aspect of the human capacity to give. It enables the teacher not to instruct the student but to awaken the latter's ability to ask himself/herself questions and look for the answers on his/her own.

Bearing all that in mind, today, it is all the more important to remember the essence of George Ostrogorsky's scientific approach and, consequently, his scientific legacy. Ostrogorsky's entire work relied upon three equally important roots of his education and his views of the world of history. The old, intellectual and folk Russia, personified in a family in which the father was the headmaster of an elite St Petersburg high school, certainly gave the initial impulse. In his profession, later, Ostrogorsky would consciously draw inspiration from those values, which meant that he was sometimes described as the last offshoot of the famous Russian school of Byzantine studies that flourished in the decades prior to the October

Revolution. And that is a correct evaluation. However, the fact is that he spent the greater part of his life as a scholar in a country – Yugoslavia – that was under communist rule, even though it was seeking its own place at the geographical and civilisational midpoint between two globally confronting sides after the Second World War. This fact led some people, who did not know Ostrogorsky well enough in person or did not comprehend sufficiently the multidimensionality of his work, to mistakenly see him as a covert Marxist, because of his insistence on the economic and social and, above all, agrarian conditions in Byzantium. But the Russian 'connection' of imperial times, although extremely important, is only part of the explanation.

The other important points were his university studies in Heidelberg (in philosophy, sociology, political economy) and Paris (Byzantine Studies) under great figures of European scientific thought between the two world wars, such as Carl Jaspers and Charles Diehl. If his days in Paris were crucial for making a more specific choice as to his future occupation, then his days in Heidelberg had already determined the angle from which he observed the subject of that occupation. It is certainly no coincidence that this was the natural progression of growing from Russian roots, but with a western, not a Russian, philosophical approach. This apparent controversy led to a methodological approach, awakening a revival in the observation of the basic motivators of Byzantine history. Byzantinology in the interpretation of George Ostrogorsky became a modern historical science.

Finally, after leaving Germany (1934) when the Nazis had come to power, and where the young scientist had already earned a reputable position at Breslau, now Wroclaw, the most productive years of his life unfolded in Belgrade in correlation with the great progress of Byzantine Studies on an international level before and after the Second World War. According to the testimony of his late wife Fanula Papazoglu, the renowned historian on the ancient Balkans, Ostrogorsky himself believed that living and working in the Balkans, the clearest living reflection of Byzantium in Europe and the link that connected the Byzantine and west European world, was highly inspirational. Here, where Byzantium was part of Serbian medieval history and Serbia part of the Byzantine world, Ostrogorsky had the greatest possibility to comprehend the essence of that world. Here, the fruits born of Russian sensibility for the Byzantine civilisation, and the Germanic-Gallic scientific spirit based on the Eurocentristic cultural profile, could finally ripen to the full. The material expression of the cross-cultivation of these values emerged in the foundation of the Institute for Byzantine Studies of the Serbian Academy of Sciences and Arts (in 1948), of which Ostrogorsky was the director for 28 years. Its development, through teamwork, monographic editions and a specialised journal – *Zbornik radova Vizantološkog instituta (ZRVI)* – secured a modern approach to research.[3]

According to some people, Ostrogorsky's notion of the Byzantine world was reflected principally in his *History of the Byzantine State* and in his studies of

[3] For the Institute, its history, projects and publications, see the following website: www.vi.sanu.ac.rs.

Byzantine–Slav or Byzantine–Serbian relations. This is because it involved works that, in the first case, contained a comprehensive view of the Byzantine Empire and, in the second case, an almost identically comprehensive view of the phenomenon that another, also westernised Russian, Sir Dimitri Obolensky, would call the Byzantine Commonwealth.[4] The *History of the Byzantine State* is a masterpiece in a class of its own. This reconstruction of the political, institutional and social history of the Byzantine Empire, with its perfectly balanced composition, provides in compact proportions an almost complete picture of the motivating forces of one of the most magnificent civilisations the world has ever seen. If one leaves aside the most important trends in Byzantine spirituality, the book does not treat forms of Byzantine cultural phenomena in the narrower sense – philosophy, literature or art. Neither did Ostrogorsky pay particular attention to these themes in any of his studies. An observer of fundamental social and political trends, but not of the everyday life of the Byzantines, he considered these spheres, though he did not deny their importance for shaping the Byzantine being, to be the external picture of Byzantium, a timeless picture that still lives today, a picture that creates our first associations when we think of Byzantine civilisation, but a picture whose component parts do not create the motivating forces of that civilisation.

On the other hand, for Ostrogorsky, the entire body of these phenomena was part of the said motivating forces. Let us remember the famous definition of Byzantium at the very beginning of the book, introduced for the first time by Norman H. Baynes, which rightfully became the canon of contemporary Byzantine studies: 'Roman political concepts, Greek culture and the Christian faith were the main elements which determined Byzantine development. Without all three the Byzantine way of life would have been inconceivable. It was the integration of Hellenistic culture and the Christian religion within the Roman imperial framework that gave rise to that historical phenomenon which we know as the Byzantine Empire'.[5]

The book we refer to appeared three times in its original form in the German language, over a period of almost 25 years (between 1940 and 1963), and was supplemented without the introduction of any fundamental changes. In the course of the next 25 years, until the present day, there have been no changes, and there could not be (the author stopped less than halfway through his preparations for the fourth German edition), but the book has nevertheless remained one of the standard handbooks in Byzantine Studies. In that second period, some of the descriptions and interpretations of significant historical occurrences had inevitably become outdated, but the book has nevertheless remained one of the standard handbooks in Byzantine Studies. A rational explanation for this can be considered in various ways but it seems to me that the basic reason lies, perhaps, in Ostrogorsky's most essential quality as a historian, in his observation of everything that constituted the

[4] D. Obolensky, *The Byzantine Commonwealth. Eastern Europe 500–1453* (London, 1971).

[5] G. Ostrogorsky, *History of the Byzantine State* (Oxford, 1956), p. 25.

tissue of Byzantium as a perpetually changing web of individual phenomena that were also exposed to continual changes. In it, the lay reader feels a veritable breath of life, the Byzantine scholar is confronted with a methodological model of great magnetism.

It has often been written that George Ostrogorsky possessed many qualities of the ideal researcher: research integrity, original viewpoints, precision of expression and beauty of words.[6] This definitely was a fortunate combination of roots, education and his own intellectual superiority, based above all on firm, mathematical logic and, perhaps a little paradoxically in relation to the previous quality, on poetic inspiration that marks the phenomenon known as the 'Russian soul'. The result is visible in the big breakthroughs achieved in many spheres in the study of Byzantium, primarily in its social and state structure,[7] the ideology of imperial power and its place in the medieval world (including his insistence on the paramount importance of the place of 'Roman' characteristics in the ideal hierarchy of states),[8] the relations between Church and the state (including the iconoclastic struggle),[9] the relations with the Slavs and their place in the transformations of Byzantine society,[10] and urban life, to mention only the most important themes. His studies on Byzantine feudalism (especially about *pronoia* as fiefdom) and the aristocratic class, the development and character of the arrangement of the *thematic* system as the foundation of Byzantium's great progress in its medieval epoch, about the peasantry of that same time and also in the later epoch represent, probably, the greatest advances in these complex research projects. Their reverberations in scientific circles rang out with the highest intensity, drawing much admiration from some, but sometimes fierce opposition from other circles.

Here, I would like to dwell on two questions that were analytically debated in many single studies and which gained their synthetic form also in *History of the Byzantine State*. Both were probably the most important individual contributions of Ostrogorsky's examination of the internal structure of Byzantium, both were periodically the target of the fiercest criticism levelled against him, both are today treated in a manner that digresses from his views by his students and successors.

[6] Almost all the authors, who have been cited above (n. 1), were writing about these characteristic features.

[7] Apart from his History of Byzantium, Ostrogorsky discussed corresponding phenomena in a great number of articles, see: *O vizantijskom feudalizmu (On Byzantine Feudalism). Collected Studies I* (Beograd, 1969); *Privreda i društvo u Vizantijskom carstvu (Economy and Society in the Byzantine Empire). Collected Studies II* (Beograd, 1969).

[8] Apart from the History, see: *Iz vizantijske istorije, istoriografije i prosopografije (Byzantine History, Historiography and Prosopography). Collected Studies III* (Beograd, 1970); *O verovanjima i shvatanjima Vizantinaca (On Beliefs and Comprehensions of the Byzantines). Collected Studies V* (Beograd, 1970).

[9] Ibid.

[10] *Vizantija i Sloveni (Byzantium and the Slavs). Collected Studies IV* (Beograd, 1970).

One is the question of the organisation of the *thematic* system in Byzantium and the other is the so-called Byzantine feudalism.

As is well known, several decades after certain partial attempts to interpret the organisation of the *themata* in Byzantium, George Ostrogorsky presented and on several occasions clarified his own rounded picture of their organisation.[11] According to him, for a long time it represented an effective combination of administrative, social and military organisation. Ostrogorsky was in a way the first to highlight the importance of that organisation for the revival of Byzantium, which marked out its transformation from an empire of Antiquity to a medieval empire and enabled its development (from the first half of the seventh century to the beginning of the eleventh century). In that picture several important elements showed themselves to be questionable even in Ostrogorsky's time, only later to undergo a more or less successful revision in various cases, and even in the teacher's own school.

Revision implied digressing from the comprehensive views of Ostrogorsky, but also their confirmation, mostly partial, sometimes with new evidence from different sources.[12] This turns mainly on three aspects of his approach: the conviction of Ostrogorsky that the thematic system came into being almost randomly, principally in the time of Heraclius (610–641); that its structure of military land holdings was rounded off relatively quickly, implying at the same time that the holder of such an estate was also an active soldier; and that this system enabled the big, expansionist military successes of the Byzantine army at the end of the tenth century and the beginning of the eleventh century. Ostrogorsky himself in his later years introduced some modifications to these issues. The approach to them today takes an entirely different route, but the core of the concept that Ostrogorsky presented has not been completely refuted – the thematic arrangement certainly started early on (in the seventh century), and also some sort of military land holdings (in the eighth century); the entire organisation entailed a high degree of militarisation of society and the state administration; the aforesaid successes of Byzantine arms were based,

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[11] Cf. Die wirtschaftlichen und sozialen Entwicklungsgrundlagen des byzantinischen Reiches, *Virteljahrschrift für Sozial- und Wirtschaftsgeschichte* 22 (1929), pp. 181 sq.; Über die vermeintliche Reformtätigkeit der Isaurier, *Byz. Zeitschrift* 30 (1929–30), pp. 394–400; Sur la date de la composition du Livre des Thèmes et sur l'époque de la constitution des premiers thèmes d'Asie Mineure, *Byzantion* 23 (1953), pp. 31–66; Die Entstehungszeit der Themenverfassung (Koreferat), *Berichte zum XI. Intern. Byzantinisten-Kongress* I (Munich, 1958, pp. 1–8; L'exarchat de Ravenne et l'origine des thèmes byzantins, *VII Corsi di cultura sull'arte ravennate e bizantina* (Ravenna, 1960). Cf. et *Geschichte*, 3rd edn, pp. 80–3.

[12] Cf. N. Oikonomidès, Les premières mentions des themes dans la Chronique de Théophane, *Zbornik radova Vizantološkog instituta* 16 (1976), pp. 1–8; W. Treadgold, The Military Lands and the Imperial Estates in the Middle Byzantine Empire, *Okeanos, Essays presented to I. Ševčenko on the Sixtieth Birthday by his Lolleagues and Students, Harvard Ukrainian Studies* VIII (Boston, 1983), pp. 619–31; I. Shahid, Heraclius and the Theme System: New Light from the Arabic Sources, *Byzantion* 57/2 (1987), pp. 391–403; idem, Heraclius and the Theme System: Further Observations, *Byzantion* 59 (1989), pp. 213–33.

in a manner of speaking, on the organisation that had already passed its apogee, along with certain essential modifications and, in the meantime, had been changed significantly.[13]

The question of feudalism in Byzantium, in terms of its implications, was, perhaps, even more important than the previous one. It seems to me that in Ostrogorsky's time, it was not sufficiently understood that his perception of feudal phenomena in Byzantium was a kind of middle path, but by no means a compromise, between denying the existence of feudal qualities in Byzantium, which was the general position of scholars in the west, and proclaiming the majority of phenomena in Byzantine history, even in the Early Byzantine epoch, to be the expression of a generally feudal organisation, which was the case in the Soviet Union and, so to speak, in its associated school of Byzantine Studies. The ideological nature of the Cold War thus contributed to exacerbating the aforesaid standpoints and mutual anathematisation regarding this question. Part of this anathema was also directed against the one who attempted to find some acceptable solution to an obvious problem.

Essentially, Ostrogorsky placed greater, though perhaps not explicit, emphasis on phenomena rather than on comprehensive characteristics, more on the social than on the institutional aspect of phenomena such as *pronoia*, immunities, aristocracy or serfdom. In this he was ready, in parallel with the progress of his own and other people's research, to make significant modifications, such as, for instance, in the case of *pronoia*, according to him the most distinctive feudal phenomenon in Byzantium, the beginnings of which he redefined 20 years (1970) after presenting his basic theory (1951).[14] This general approach was later confirmed in new research, along with all the corrections to his initial views, which he had arrived at in that process. It is, of course, important for our ability to understand Byzantium and the nature of today's methodological approach, to remember that an evolution gradually occurred in the concept of Byzantine 'feudalism' that was commensurate with the thaw in the Cold War, and with the loosening hold of idealisation on contemporary historiography. In such an atmosphere, Ostrogorsky's basic postulates regarding the feudal image of Byzantium gained in strength, along with necessary and by no means few additions and corrections to his views.[15]

However, in contemplating Byzantine civilisation, it seems to me that neither recognition nor reliance on the results of the work that led to such acknowledgement always indicate a full comprehension of the essential values of George Ostrogorsky's work. To understand fully Ostrogorsky and his messages

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[13] Lj. Maksimović, Οι στρατιώτες των θεμάτων στην βυζαντινή κοινωνία, *Πρακτικά της Ακαδημίας Αθηνών* 76/Β΄ (2001, edn 2002), pp. 609–42.

[14] *Pronija. Prilog istoriji feudalzma u Vizantiji i južnoslovenskim zemljama* (Beograd, 1951). [French translation: Pour l'histoire de la féodalté byzantine (Bruxelles, 1954)]; Die Pronoia unter den Komnenen, *Zbornik radova Vizantološkog instituta* 12 (1970), pp. 41–54.

[15] Cf. Lj. Maksimović, Feudalismus, in *Byzanz: Lexikon des Mittelalters* IV (Munich, 1987), pp. 415–18.

means, first of all, to realise that no phenomenon, institution or model in Byzantine history can be observed other than as part of a constant evolution, as a synthesis of contrasts, which, from the viewpoint of research, enables one to see each of them in a different light. In realising what this message meant and in applying it, one should unerringly follow his next message – that an analytical procedure must be synthetically devised and balanced in such a way that it will always take into account the circumstances that gave rise not only to the particular phenomenon under scrutiny, but also to the setting in which it occurred. In other words, not a single scientific result is certain, despite its groundedness on a source, if it disrupts the whole setting or historical context, circumscribing the examined historical phenomenon (context?). And this means that one should not seek confirmation in the sources at all costs for an interpretation that seems to be correct and a result that is appealing. In that sense, because of the applied method and not because of the subject, it is a great pity that a masterpiece by Ostrogorsky in terms of the methodology – *Serska oblast posle Dušanove smrti (1965, 1970)* (*The Principality of Serrhes after Dušan's Death*) – is still only available in the Serbian version and has never become better known in international circles of Byzantine scholars. And, lastly, perhaps his most significant message would be the need to be open to self-examination and to criticism by others. The best example of this, as I have already written, is the corrections Ostrogorsky himself made to his previous views in the fields of research to which he was so closely attached, such as the development of the so-called thematic organisation and, in particular, the *pronoia* in Byzantium and the neighbouring Slav countries.

These messages should certainly be seen as George Ostrogorsky's real scientific legacy, unsaid and unwritten, but contained in every tiny segment of his approach to research. If there is good reason to say that he created a school, which is not infrequently referred to as the 'Belgrade School of Byzantine Studies', then today it is the obligation of that school to preserve his legacy. I hope the long years of its striving to do so through several generations have encountered support, up to now, in the profession as a whole.

24

Hans-Georg Beck

Vera von Falkenhausen

If you consider Hans-Georg Beck in the context of 'Authority in Byzantine Studies', the first thing which comes to mind is the monumental *Kirche und theologische Literatur im byzantinischen Reich*, the classical handbook on the organisation of the Church and the religious and theological literature of the Byzantine Empire, which appeared in the prestigious series 'Handbuch der Altertumswissenschaften'.[1] This heavy volume, published more than half a century ago, when the author was still in his 40s, has yet to be replaced. This in spite – or maybe because – of the enormous amount of new text editions and an almost uncontrollable bibliography; and it is still the authoritative reference book on the subject. My learned colleague and friend, Antonio Rigo from the University of Venice, has recently published an impressive volume on Byzantine mysticism.[2] The paragraphs on 'Asceticism and mysticism' in Beck's handbook are six of 45 subchapters of the fourth part – just to give you an idea of the scholarly dimensions of the work.

Trained as a Roman Catholic theologian – he normally quoted the New Testament in Latin – and as a Byzantinist, Beck was familiar with Catholic and Orthodox theological thought and writings, and quoted Tertullian, Saint Augustine and Gioacchino da Fiore with the same ease as he quoted Gregory of Nyssa or Palamas. Thus he was not only well acquainted with a literary genre familiar to every well-educated Byzantine intellectual, but also with the theological culture of their western counterparts. To other Byzantinists, who often come from a background of classical philology or history, theological literature and thought are far less accessible.

In his later years, in 'Abschied von Byzanz', he said that he no longer recognised himself in this book, which he called his 'Brandopfer', 'a sacrifice or immolation of hundreds and hundreds of Byzantine theologians and their treatises, described and analysed on 800 arid pages'.[3] He considered the book 'an abandoned quarry'.

[1] H-G. Beck, *Kirche und theologische Literatur im byzantinischen Reich*, *Byzantinisches Handbuch im Rahmen des Handbuchs der Altertumswissenschaft*, XII, 2, 1 (Munich, 1959, [2]1977).

[2] A. Rigo, *Mistici bizantini* (Turin, 2008).

[3] H-G. Beck, *Abschied von Byzanz* (Munich, 1990).



Figure 24.1 Hans-Georg Beck at the International Conference of Byzantine Studies, Athens 1976

There is, however, no reason for a handbook to be a piece of inspired writing – it is better if it is not. In any case, research and reading for the preparation of this book created, I think, the foundation of Beck's future scholarly production, for it provided him with first-hand and all-round knowledge of Byzantine theological and philosophical texts from Late Antiquity up to the fifteenth century. Well equipped with this basic cultural baggage, he could approach almost every aspect of Byzantine history and literature, even Canon Law. The article 'Nomos, Kanon und Staatsraison in Byzanz', published in 1981 in the Sitzungsberichte of the Austrian Academy of Sciences, is a masterpiece.

In fact, he was always a man of texts – to be precise, of published texts; he was never an editor of texts and was not particularly interested in manuscripts. In spite of his friendship with Friedrich Wilhelm Deichmann, for many years his co-editor of the *Byzantinische Zeitschrift* (1960–1976), he did not consider Byzantine art and archaeology as a relevant source for the understanding of Byzantium, and if I am not mistaken, he never mentioned Byzantine lead seals, which nowadays are considered to be a major source for the administrative and social history of the empire; nor was he particularly curious about the topography or geography of the empire. He could admire a major scholarly project, as for instance the *Tabula Imperii*, but he would not have done it himself. Except for trips to Italy, especially to Rome and Venice, he was not a great traveller.

Moreover, in contrast to many or even most of us, he did not have a specific century or period or geographical area on which his research was focused, and which he revisited again and again. In everything he wrote he tried to pursue the argument through the centuries from the beginning of the empire to its end, or, as in 'Der byzantinische Ministerpräsident', he traced it back from the Paleologian period to late Antiquity.[4] He favoured *la longue durée*, and could indulge his tastes, since he was at home in the entire Byzantine millennium and moved easily from the early years of Constantinople to Theodoros Metochites and back.

He never abandoned, however, his interest in the Byzantine Church and theology: he collaborated on various Church histories, wrote learned articles on the icon,[5] the 'Jenseits', the 'Afterlife' according to the Byzantines, and on the – rare – participation of the clergy in government.[6] In *Das byzantinische Jahrtausend* (*The Byzantine Millennium*) three chapters out of nine, almost a third of the volume, deal with religious topics (theology, monasticism and faith).[7] A theological argument is also the subject of his last book, *Vom Umgang mit Ketzern* or *How*

[4] H-G. Beck, 'Der byzantinische "Ministerpräsident"', *Byzantinische Zeitschrift* 48 (1955), 309–38.

[5] Id., *Von der Fragwürdigkeit der Ikone, Sitzungsberichte der Bayer. Akademie der Wissenschaften* 1975, Heft 7 (Munich, 1975).

[6] Id., *Die Byzantiner und ihr Jenseits. Zur Entstehungsgeschichte einer Mentalität, Sitzungsberichte der Bayer. Akademie der Wissenschaften* 1979, Heft 6 (Munich, 1979); 'Kirche und Klerus im staatlichen Leben von Byzanz', *Revue des Études byzantines* 24 (1966), 1–24.

[7] Id., *Das byzantinische Jahrtausend* (Munich, 1978).

to deal with Heretics, published in 1993, when he was 83.[8] This is a very different kind of book: not an explanation or description of heretic beliefs, but thoughts about how someone could become a heretic, and how the ecclesiastical hierarchy dealt with the problem; also a very personal book, for he probably felt somewhat heretical himself. Thus through the years, or rather decades, his style changed, his way of looking at the texts and of explaining and interpreting them to himself and to his audience changed, but all the *materia prima* was still present in the 'abandoned quarry': *Kirche und theologische Literatur im byzantinischen Reich*.

This book made him famous. As a result, he was asked to write another volume for the same prestigious series, 'Handbuch der Altertumswissenschaften' this time on Byzantine vernacular literature, which was published in 1971.[9] To my knowledge he is the only scholar who wrote two volumes on two different subjects for the Handbuch. Though certainly interested in this subject as he was in every form of literature, Byzantine or not, especially in bilingualism and the various levels of language, Beck never became an authority in that field.

We are here to celebrate Judith Herrin Emerita. In 1976, at the International Congress at Athens, Hans-Georg Beck, newly emeritus of his chair at the University of Munich, gave a paper with the title 'Byzantinistik heute', 'Byzantine Studies today'.[10] He started with a quotation from Richard Armour's *Academic Bestiary*, which had appeared two years earlier.[11] I quote: 'At any rate, the Emeritus now has time to think, something it (the beast) has not done for years, and it thinks of things it should have thought of before'. This quotation is not meant to be a message *d'outre-tombe* from Beck to Judith, but he really did try to apply Armour's aphorism to himself. In fact, in his 1976 paper he explains his ideas about what scholarship on Byzantium should be or rather what it should not be. We should not forget that at that date he had been the editor of the *Byzantinische Zeitschrift* for more than 15 years and had read and often critically annotated the bibliographical notes. Apparently he was quite bored with what he had been reading for years and said as much: there were too many publications and then republications of the same text, on occasion in different languages or different contexts; there were too many repetitions, too much mini-research, too many Festschriften, too many conferences etc. He was right, and I am afraid that, today, more than 30 years after Beck's Athens paper, the situation is even worse. In that paper he encouraged scholars to look at Byzantium in a wider context, to take into account the research in western medieval history or the modern history of Eastern Europe. He himself had belonged for years to the so-called Konstanzer Arbeitskreis, a group of historians working on medieval history. He also invited

[8] Id., *Vom Umgang mit Ketzern: Der Glaube der kleinen Leute und die Macht der Theologen* (Munich, 1993).

[9] Id., *Geschichte der byzantinischen Volksliteratur*, *Byzantinisches Handbuch im Rahmen des Handbuchs der Altertumswissenschaft*, XII, 2, 3 (Munich, 1971).

[10] Id., *Byzantinistik heute* (Berlin-New York, 1977).

[11] R. Armour, *The Academic Bestiary* (New York, 1974), 64.

his colleagues to dedicate more serious thought to the human factor in Byzantium. 'Since the world of Byzantium belongs to a far-away and unfamiliar past', he says, 'we need for our understanding an enormous number of points of view and perspectives, an enormous amount of knowledge about behaviour and structures, we need to feel at home in a variety of human worlds'. In fact he had dedicated some of his major articles to human networks and social structures in Byzantium, as for instance 'Das byzantinische Gefolgschaftswesen'[12] and 'Senat und Volk in Byzanz'[13] Nevertheless, apparently he was afraid that Byzantinists would become dry-as-dust administrators of boring scholarship. Indeed, he always confronted himself with the question: 'Is what we are doing worthwhile?' If we speak of Beck as an authority in Byzantine studies, we have to take into serious account this continuously growing scepticism as well.

In any case, if I am not mistaken, the end of his teaching career and his liberation from the drudgery of editing the *Byzantinische Zeitschrift* changed not only his daily life but also his approach to scholarship and especially to writing. There was a real break. Apparently he had taken Armour's aphorism quite seriously. He allowed himself to become more and more an *homme de lettres,* which he always had been in his heart, and to get more emotionally involved in Byzantium; or rather, he allowed himself to show his involvement more openly to his readers. In the years after 1976 he produced an enormous amount of scholarly publications, as is evident from his impressively long bibliography compiled by Günter Prinzing and Lars Hoffmann.[14] But, as I have said before, his style had changed.

He wrote much to convince non-Byzantinists, or maybe even himself, that it was worthwhile getting involved with Byzantium: his *Byzantinisches Lesebuch*, for instance, is a collection of Byzantine texts that he considered to be important, in a readable German translation. Many years before, he had translated Kekaumenos, a text he particularly liked; he had in fact very strong likes and dislikes in Byzantium. To quote just his likes, there were as I said, Kekaumenos, Digenis Akritas, John Mauropous, the charm of decadence …

In this period he wrote also *Das byzantinische Jahrtausend* (*The Byzantine Millennium*), which is a sort of *summa* of his thoughts on the phenomenon of Byzantium. It is a highly reflective book, if not easy to read, revealing the author's deep understanding of the empire. In later years, he complained that this book had had at least 90 positive reviews, but that nobody had really read it. He was probably not entirely wrong.

Beck had always been a voracious reader; he devoured everything: mysteries, poetry, philosophy, novels, sociology, and in this later period, much of what he

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12 H-G. Beck, *Das byzantinische Gefolgschaftswesen: Sitzungsberichte der Bayer. Akademie der Wissenschaften* 1965. Heft 5 (Munich, 1965).

13 *Senat und Volkin Konstantinopel. Probleme der byzantinischen Verfassungsgeschichte. Sitzungsberichte der Bayer. Akademie der Wissenschaften* 1966. Heft 6 (Munich, 1966).

14 G. Prinzing unter Mitarbeit von L. Hoffmann, *Bibliographie Hans-Georg Beck*, *Arbeitsgemeinschaft Deutscher Byzantinisten* (Mainz, 2000).

read he quoted in his scholarly articles: sometimes you find in his footnotes more quotations from Brecht or Schelling, Kavafis or Verlaine, Pascal or Helen McInnes than from Byzantine authors. These quotations are always very much to the point, but sometimes he overdid it. Occasionally he enjoyed flaunting the wide range of his literary horizon. Like most highly intelligent people he was not entirely above vanity. At least to my taste, the demonstration of his personal involvement was sometimes excessive. Articles like 'Von der Liebe zu den Byzantinern', which he dedicated to his close friend Ihor Ševčenko, or 'Abschied von Byzanz' reveal much more about himself than about Byzantium, but without any doubt he had the literary capacity to do it with charm and elegance.[15] Anyway writings εἰς ἑαυτόν have a distinguished tradition in classical and Byzantine literature.

According to modern evaluation schemes, scholarly work is judged on how often an article or a book is mentioned in major scholarly publications and international periodicals in the field. Judged by these criteria, Beck's oeuvre will appear to be *une quantité négligeable* in Byzantine studies, except for *Kirche und theologische Literatur*, the so-called 'abandoned quarry'. His articles, in fact, are not quoted very often. There are various reasons for this neglect:

1. Not only did he write in German, a language which has become rather obscure to international readers, but he wrote in a style which became more and more baroque in his later period, and which is often quite difficult to understand and even more difficult to translate into another language.[16] The Italian edition of *Das byzantinische Jahrtausend*, for instance, is rather unreadable, and the translation of 'Kaiserin Theodora und Prokop. Der Historiker und sein Opfer' is a complete disaster.[17]
2. He never edited any text, either unknown or known; and with one or more competent editions you can be sure that your name will have a safe place in the temple of scholarship.
3. He seldom wrote short articles focused on a specific problem. Papers such as the one on the origins of Pope Leo III or the excerpts from the Rule of St Benedict in the *typikon* of the Megiste Lavra on Mount Athos are exceptions.[18]

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[15] H-G. Beck, 'Von der Liebe zu den Byzantinern', in C. Mango and O. Pritsak, edd., Okeanos. *Essays presented to Ihor Ševčenko on his Sixtieth Birthday by his Colleagues and Students*, *Harvard Ukrainian Studies* 7 (1983), 27–50; 'Abschied von Byzanz', above note 3.

[16] Nevertheless he is one of the few German scholars to appear in *Variorum Reprints*: H-G. Beck, *Ideen und Realitäten in Byzanz. Gesammelte Aufsätze* (London, 1972).

[17] Id., *Il millennio bizantino. Edizione italiana* ed. E. Livrea (Rome, 1981); *Kaiserin Theodora und Prokop. Der Historiker und sein Opfer* (Munich-Zurich, 1987); *Lo storico e la sua vittima. Teodora e Procopio.* tr. N. Antonacci (Bari, 1988).

[18] Id., 'Die Herkunft des Papstes Leo III.', *Frühmittelalterliche Studien* 3 (1969), 131–7; 'Die Benediktinerregel auf dem Berg Athos', *Byzantinische Zeitschrift* 44 (1951), 21–4.

4. You cannot consult his articles just to glean information you need for something you are writing yourself. His articles are about ideas and, to grasp his ideas, you have to read these articles from the beginning to the end.

Hans-Georg Beck had always been an inspired teacher and a great communicator. His lectures and seminars could be exciting and often challenging, and were never boring. But he was not authoritarian. He did not impose his arguments or interests on his students. He never created what you could call a 'school'. We all attempted to find our personal way to understand Byzantium and made our own choices; but none of us was as talented as he was, neither in research nor in writing nor in communicating.

Still, allow me to conclude on a personal note: I am very grateful to the organisers of this conference for having asked me to speak about my teacher. For years I had not read Beck's work; since I am far less universal than he was, apparently nothing he wrote was relevant enough for the minuscule aspects of peripheral Byzantium that I am interested in. I read or reread parts of his oeuvre to prepare this lecture, and sometimes it was like breathing fresh air or like drinking very good wine. I started to look with detached irony on my own scholarly production and, setting down yet another Greek document from southern Italy that I was examining, I said to myself with Rainer Maria Rilke: 'Du mußt dein Leben ändern'. I do not know whether I will be able to do so at my age, but I consider it to be a sort of posthumous message from my teacher. Authority in studies can also mean arousing self-criticism in former students.

25

Robert Browning[1]

Elizabeth Jeffreys

Of the three men who are the subject of this section,[2] Robert Browning is at first sight the one whose inclusion is hardest to justify. All Byzantinists know and have used, indeed still use, Ostrogorsky's magisterial *History of the Byzantine State*, especially in the English translation of that formidable woman scholar Joan Hussey;[3] likewise we all know and still use Beck's two handbooks, for theological literature and for the δημώδη κείμενα, Volksliteratur.[4] But Robert Browning?

It is in many ways difficult to get a handle, so to speak, on Robert – a quiet Scotsman, whose most important comments were usually asides whispered to the waste-paper basket, a conscientious supervisor in an age when such animals were rarer than they are now, an efficient committee man, a committed communist who did not parade his allegiances. Many older academics currently in post will have known him well as a colleague in London University, either at University College or at Birkbeck. They will have sat with him on the board of the Society for the Promotion of Hellenic Studies, on the editorial board of *Past and Present*, on the National Committee for Byzantine Studies. Others – the younger ones – will perhaps be scarcely aware of him. In the decade since his death, which came in 1997 unexpectedly for all that he was 83 years of age and had been visibly ailing for a while, his work seems largely to have dropped out of sight. Why this should be so, and what Robert's contribution to Byzantine Studies has been will be explored in what follows. However, it should be noted that what is said here is highly

[1] I should like to express my deep gratitude to Martin Browning, Sally Browning and Eric Hobsbawm for helpful comments and to conference participants for their observations.

[2] The fact that the three figures taken to represent recent levels of authority in the field of Byzantine studies were all male was briefly deplored in the oral presentation of this chapter. Not only was the occasion at least partly to honour the retirement of a female academic but the immediately preceding months had seen the loss of three remarkable women scholars, all of whom had marked the discipline distinctively and decisively: Julian Chrysostomides (Royal Holloway, University of London), Evelyne Patlagean (University of Paris) and Angeliki Laiou (Harvard University).

[3] G. Ostrogorsky, *History of the Byzantine State*, 2nd edn (Oxford, 1968).

[4] H-G. Beck, *Kirche und theologische Literatur im byzantinischen Reich* (Munich, 1959; idem, *Geschichte der byzantinischen Volksliteratur* (Munich, 1971).



Figure 25.1 Robert Browning

derivative: Robert has been well memorialised. He was offered two Festchriften in his lifetime – one, *Maistor*, originating with his Australian-based students and protégés and the other, *Philhellen*, instigated largely – but not exclusively – by his Greek friends, students and colleagues; both volumes included sketches of his life.[5] Several obituaries were published in the British press, as well as in *Past and Present*, and a substantial, sympathetic appreciation has appeared in the *Proceedings of the British Academy*.[6]

First, his biography. Born in Glasgow in 1914 to a prosperous middle-class family (his father the owner of a cardboard box factory, his mother a primary school teacher), he attended Kelvinside Academy, then not so distinguished an establishment as it has since become. From there, specialising in Classics after a false start in the sciences, he proceeded to Glasgow University, reading Humanities, that is, Classics, with conspicuous success, under a series of illustrious lecturers – Gomme and Kitto amongst them, names which still resonate in British classical scholarship. Thence in 1934 he moved to Balliol College, Oxford with a Snell Scholarship, highly competitive but more valuable in prestige than cash – as was ever the custom of old-style Oxbridge entrance scholarships – to read for a second degree in Mods and Greats, that is, again in Classics. Robert subsequently regretted that intellectual attitudes of the time did not encourage those in his position to write a doctoral thesis: that was for Americans. Some four years older than his fellow undergraduates and seemingly far more mature than them, he swept the board, winning all the major prizes and scholarships offered at Oxford for classicists: the Chancellor's Prize for Latin Prose, the Jenkyns and the Derby prizes, and the Ireland, de Paravicini and Craven scholarships; most of these are still awarded today and are still prestigious. Two comments about Robert stand out from this period: that he looked then very much as he was to look for the rest of his life – small, spare, unobtrusive, with a wry smile and a soft voice; and that he had a passion for acquiring obscure languages, in which oral fluency was as important to him as reading skills; there are several comments that recall his tuning in at the time of the Munich crisis to far-flung East European radio stations. It was certainly disconcerting, and the cause of considerable envy, to observe him in his later life at conferences switching effortlessly between French, Bulgarian, Russian,

[5] A. Moffatt, ed., *Maistor: Classical, Byzantine and Renaissance Studies for Robert Browning* (Canberra, 1984), xi-xiii; C. Constantinides and others, eds, *Φιλλέλλην: Studies in Honour of Robert Browning* (Venice, 1996), xv-xvi. Two volumes of Robert Browning's collected studies have been published: *Studies on Byzantine History, Literature and Education* (London, 1977; hereafter, *Studies*); and *History, Language and Literacy in the Byzantine World* (Northampton, 1989; hereafter, *History*).

[6] Obituaries: *Daily Telegraph* (26 March, 1997), *Guardian* (13 March, 1997), *Independent* (14 March, 1997), *Times* (18 March, 1997); J. Herrin, *Past and Present* 156 (1997), 4–5; A.M. Cameron, 'Robert Browning, 1914–1997', *Proceedings of the British Academy* 105 (2000), 289–306. See also the notice in the *Oxford Dictionary of National Biography*.

Greek without a flicker of hesitation. In 1939 at the outbreak of the Second World War Robert had just completed his Oxford degree and was inevitably caught up with war service, enrolling initially with the Royal Artillery but quickly, because of his linguistic skills, recruited for intelligence work and sent to Cairo. He spent the six-week sea journey to the Middle East via Cape Town learning Georgian. His wartime experiences took him extensively through the Balkans and the Mediterranean, bringing him, for example, for the first time to Bulgaria, later to be the focus of one of his books. In 1945–6 he was in Belgrade as assistant to the military attaché. It was probably these war years which reinforced, if not actively initiated, his communist leanings. The evidence about his political views while at Oxford is not clear, though those were heady times and he formed many enduring political friendships in that period.[7] The war over, Robert returned to Oxford briefly as Harmsworth Senior Scholar at Merton College, but quickly moved to University College in London University as a lecturer in Ancient History. In 1965 he was appointed Professor of Classics and Ancient History at Birkbeck College where he remained until his retirement in 1981. During those years he conscientiously carried out his teaching duties,[8] with a large number of graduate students, many coming from Greece; he played a full role in college administration, he chaired the British Academy project on the Prosopography of the Byzantine Empire, he was elected Fellow of the British Academy (1978); he became deeply involved with the campaign for the restoration of the Parthenon marbles – which was no hindrance to his gaining many honours in Greece, from election to the Academy of Athens to honorary doctorates from the universities of Athens and Ioannina, and many other distinctions. Retirement opened up new vistas for him – his publications continued apace and he made virtually annual visits to Dumbarton Oaks in Washington DC where the contact this brought him with younger generations of Byzantinists afforded him as much pleasure as it did them.

So this could be viewed as a conventionally distinguished academic career, especially at its outset, marked but not marred by wartime experiences and not unduly delayed by it. Those of the generation born during the Second World War, as well as those coming long after, tend to be unaware of what they have been spared.

What then singles that career out as especially noteworthy? First of all, the breadth of its interests. Robert's publications covered Greek linguistic and literary culture from its beginnings to its latest manifestations, though – of course – he is particularly known as a Byzantinist. But he also published on Linear B, that exciting linguistic conundrum of the 1950s, and was for some time part of an active seminar

[7] Martin Browning now wonders whether Left-wing books in Robert's possession might have been acquired in the 1930s; discussion during the conference stressed the extent to which Glasgow was 'Red' at that time, with much to appeal to an intelligent young man with a social conscience.

[8] For those unfamiliar with the workings of London University it should be noted that Birkbeck College, founded in 1823 as the London Mechanics Institute, remains largely focused on part-time, mature students, with a tradition of evening lectures.

in London exploring the initial decipherment. In a paper in 1978 he examined the language of Byzantine literature.[9] He published notably on the modern language: his book on medieval and modern Greek language, which appeared in 1969 and was reissued with revisions in 1984, deals as much with twentieth-century usages as the Byzantine evidence.[10] Virtually unique at that time in its scope, it was not superseded until the appearance in 1998 of Geoff Horrocks' *Greek: A History of the Language and its Speakers*. To take a year more or less at random, in 1955 Robert published a book, *The Linear B texts from Knossos* with the Institute of Classical Studies in London, and papers on Tzetzes' scholia on Philostratos in the *Classical Quarterly*, and on an unpublished epigram on Heliodoros' *Aethiopica* in the *Classical Review*.[11] Few can match that diversity.

But his interests were far from being restricted to purely linguistic issues, though the perceptible emphasis on Byzantine pedagogy in his work probably arises from this. With Basil Laourdas he published in 1954 and 1957 from a manuscript in the British Library (BL, Add. 36749) the first edition of the letters of the anonymous tenth-century schoolmaster that have recently been reworked by Thanos Markopoulos.[12] Amongst his most enduring articles are those on the teachers in the Patriarchal Academy, which appeared in *Byzantion* in 1962 and 1963.[13] He explored the evidence for literacy in Byzantine society[14] and the social implications of the Byzantine hierarchy of linguistic registers, in, for example, low-level saints' lives (for the SPBS Symposium in 1980).[15]

Robert's scholarship is marked by its careful attention to philological detail. His articles are probably where his most effective work appears. I point to his papers on the correspondence of Michael Italikos or Tornikes' funeral oration on Anna

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[9] 'The language of Byzantine literature', in S. Vryonis, Jr., ed., *Byzantina kai Metabyzantina*, vol. 1, *The 'Past' in Byzantine and Modern Greek Culture* (Malibu, 1978), 103–33 repr. in *History*, XV.

[10] *Medieval and Modern Greek* (London, 1969; 2nd edn, Cambridge, 1984).

[11] *The Linear B Texts from Knossos* (BICS, Suppl. Paper, 1; London, 1955); 'The so-called Tzetzes scholia on Philostratus and Andreas Damarios', *Classical Quarterly* 49 (1955), 195–200; 'An unpublished epigram on Heliodorus' *Aethiopica*', *Classical Review* n.s. 5 (1955), 141–3.

[12] 'The correspondence of a tenth-century Byzantine scholar', Byzantion 24 (1954), 397–432; 'Τὸ κείμενον τῶν ἐπιστολῶν τοῦ κώδικος BM 36749', *Ἐπετηρὶς Ἑταιρείας Βυζαντινῶν Σπουδῶν* 27 (1957), 151–212, 391–2; repr. in *Studies*, IX. See now A. Markopoulos, *Anonymi professoris epistulae* (Berlin, 2006).

[13] 'The patriarchal school at Constantinople in the twelfth century', *Byzantion* 32 (1962), 167–202; 'The patriarchal school at Constantinople in the twelfth century (continued)', *Byzantion* 33 (1963), 11–40; both repr. in *Studies*, X and XI.

[14] 'Literacy in the Byzantine world', *Byzantine and Modern Greek Studies* 4 (1978), 39–54; repr. in *History*, VII.

[15] 'The "low-level" saint's life in the early Byzantine world', in S. Hackel, ed., *The Byzantine Saint* (London, 1981), 117–27; repr. in *History*, VIII.

Komnene (both from 1962),[16] on Ignatios the Deacon (1968),[17] on Dishypatos on Akyndinos (1957),[18] on a collection of unpublished poems (1963).[19] These are clearly the fruits of his browsing through manuscript catalogues and his palaeographical rummagings, well exemplified also in his valuable 1960 piece 'Recentiores sed non deteriores'.[20] Palaeography was an abiding interest and his palaeographical seminars in the Classical Institute are warmly recalled by its participants. Robert's copy of Montfaucon's *Palaeographia Graeca* was a prized possession: more than one of his former students remembers it fondly and in one of the few photographs of Robert that are generally available it figures as prominently as Robert himself. The culmination of Robert's palaeographical interests is the magisterial volume which he and Costas Constantinides, a former student of his and now professor in Ioannina, produced together in 1993 on dated Greek manuscripts from Cyprus.[21]

Another noteworthy feature about Robert was his diligence. He was a diligent scholar. His output is impressive. The fullest bibliography of his works that I have seen is in the memorial pamphlet issued from Ioannina University, initially intended to mark the honorary degree bestowed on him in 1996; it covers some 33 pages with items under every year from 1948 onwards.[22] He was a diligent reviewer, especially for the *Classical Review* where the range over which he produced his pithy, useful comments gives pause for reflection. He was a diligent bibliographer: for years he supplied *Byzantinische Zeitschrift* with entries for its lists, and not from the UK only. He was a diligent contributor to encyclopedias: a wide range of contributions is to be found in *New Catholic Encyclopaedia* (1967), *Oxford Classical Dictionary* (1970), *Cassells* and *Chambers Encyclopaedias* (1973), *Dictionary of the Middle Ages* (1983). The most useful of these are perhaps his entries on Byzantine Literature in the 1969 *Penguin Companion to Literature* (vol. 4: *Classical and Byzantine, Oriental and African*), which, if it can still be tracked down, is an extremely handy quick reference tool.

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[16] 'Unpublished correspondence between Michael Italicus, archbishop of Philippolis, and Theodore Prodromos', *Byzantinobulgarica* 1 (1962), 279–97; repr. in *Studies*, VI. 'An unpublished funeral oration on Anna Comnene', *Proceedings of the Cambridge Philological Society* 8 (1962), 1–12; repr. in *Studies*, VII.

[17] 'Ignace le Diacre et la tragédie classique à Byzance', *Révue des etudes grecques* 81 (1968), 401–10; repr. in *Studies*, XIV.

[18] 'David Dishypatos' poem on Akindynos', *Byzantion* 25–7 (1955–7), 713–45.

[19] 'An unpublished corpus of Byzantine poems', *Byzantion* 33 (1963), 289–316; repr. in *Studies*, VIII.

[20] 'Recentiores non deteriores', *Bulletin of the Institute of Classical Studies* 7 (1960), 11–21; repr. in *Studies*, XII and D. Harlfinger, ed., *Griechische Kodikologie und Textüberlieferung* (Darmstadt, 1980), 259–75.

[21] *Dated Greek Manuscripts from Cyprus to the Year 1570* (Nicosia, 1993).

[22] Αναγόρευση καθηγητή Robert Browning σε επίτιμο διδάκτορα φιλοσοφίας (Ioannina, 1997); bibliographies are also to be found in *Maistor* (to 1983) and *Φιλέλλην* (from 1984 to 1996).

Robert was also a diligent supervisor. Here personal experience comes into play: Michael Jeffreys' doctorate was produced under Robert's watchful eye and Michael is eternally grateful for Robert's initial bibliographic suggestions and even more so for an introduction to the manager of London University's mainframe computer (this was in the late 1960s). Though never Robert's student I personally benefited enormously from his advice whilst based in the Warburg Institute next door to Birkbeck College, and it was through him that Manolis Papathomopoulos and I came to pool resources to edit the *War of Troy*.[23] Manolis was at that point more or less in exile from Greece for political reasons, something which had brought him to Robert's attention. From comments that have surfaced over the years, these interventions are typical of his kindly concerns for the young who came within his orbit. On more mundane levels Ann Moffatt, now senior lecturer at the Australian National University in Canberra, has commented that one of Robert's first reactions when she arrived from Melbourne to write a doctorate on Byzantine schoolmasters was to enquire whether her digs were warm enough and whether her scholarship allowed her to eat.

Two things puzzle me about Robert. One is why his widespread interests did not translate well into his books and the other is over his communist commitments.

The books. *Justinian and Theodora* (1971) is a clear, positivist narrative; it covers the expected ground with no notes, though with some discussion of the written sources, but there is no attempt to read through or behind them. Such an attempt might have been a bold step when the book was first published but not in 1987 when it was reissued. There is a block of reasonably apposite illustrations. However, it would probably be given short shrift by today's feminist revisionists. It is neither fully popularising nor fully academic.

In 1975 Robert published two books, *Julian* and *Byzantium and Bulgaria*. *Julian* is a straightforward, quite conventional discussion of that emperor, open to the same comments as the *Justinian and Theodora* book – with insufficient scholarly trappings to satisfy the academics but enough to discourage the general reader. *Byzantium and Bulgaria* must surely have arisen out of Robert's long-standing special interest in Bulgaria – his second wife was Bulgarian, he had many contacts in Bulgaria, he read widely in Bulgarian publications. The book's reference material makes no concession to those who do not read Bulgarian. Part of a series comparing cultures (the other volumes deal with Venice and Amsterdam, and feudalism in northern France and Japan), this sits uneasily with its companion pieces where like is rather more obviously compared with nearly like, for it is plain that, despite the shocks that the first Bulgarian empire inflicted intermittently on Byzantium, the two states are with difficulty immediately comparable. This was a strained exercise.

Of Robert's other books I have already suggested that *Medieval and Modern Greek* is one that stood the test of time well and that the *Dated Greek Manuscripts from Cyprus* is magisterial. The edited book from Thames and Hudson, *The Greek*

[23] Which eventually appeared some twenty five years later: M. Papathomopoulos and E. Jeffreys, eds, *Ὁ Πόλεμος τῆς Τρωάδος (The War of Troy)* (Athens, 1996).

World, Classical, Byzantine and Modern (1985) is impressive in a different way – there are short essays from an excellent set of contributors, accompanied by many handsome, judiciously selected illustrations. It was widely bought. It is unkind but probably true to class it as an intelligent, high-class coffee-table book.

The book of Robert's that has, I feel, been treated most unfairly by fate and the passage of time is his history, called simply *The Byzantine Empire*. It appeared in the same year, 1980, and from the same publisher (Weidenfeld and Nicolson) as Cyril Mango's *Byzantium the New Rome*, and has suffered in the comparison. Robert's book, despite illustrations and maps, is infinitely less attractive and readable – the expression is dense (Robert's responsibility) and the print small (the publisher's fault); Cyril's text is much more radical and attention grabbing. This was my initial reaction on first reading Robert's book, and my reaction today is much the same. But this is unfair as the book is thoughtful and very far from being a conventional trot over the usual ground. Robert stresses that Byzantium was not a monolithic, unchanging society, a point that is still being made today, despite also being a leitmotif for Alexander Kazhdan – who was becoming known in western Europe at the time Robert's history was first published. Robert also reflects the developing awareness of Late Antiquity as a period in its own right, for he starts his narrative in 500, explicitly eschewing the third and fourth centuries as belonging to the ancient rather than the medieval world. He makes the point that Byzantium has left its mark on European society, something which also continues to be stressed today, as we can see in Averil Cameron's *The Byzantines* (2006) or Judith Herrin's *Byzantium. The Surprising Life of Medieval Empire* (2007), and as is also the message of Cyril Mango's closing piece in the *Oxford Handbook of Byzantine Studies* (2008). However, despite being a judicious survey and unjustly neglected,[24] once again the book lacks notes and the inquisitive general reader (the general reader is clearly the target audience) cannot easily follow up points which have caught their interest.

With the exceptions I have noted, these books – most of them translated into more than one European language – are neither one thing nor the other; they are neither fully popularising nor fully academic. Is this due to a failure of nerve by the publishers, or by the author? Is it a reflection of the market forces of 20 years ago? Yet the Thames and Hudson book is a splendid example of what can be done when a publisher's heart (and mind) is engaged. But we must recognise that the audience – and market – for books on Byzantine studies has become much wider latterly.[25]

There is now the question of the second puzzle: Robert's communist commitments. These were never paraded. In the late 1960s, in a mentor–student relationship, it was possible to be completely oblivious to this side of his thinking.

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[24] In the British Isles at least; it was forcibly pointed out in discussion that in the United States, in at least two major East coast university departments where Byzantine history is taught, this book is firmly on reading lists. It remains in print in the USA and is readily available from Amazon.

[25] For this no small thanks are due to the proactive attitude of Ashgate Publishers, and their Byzantine editor John Smedley.

It is not clear whether the involvement began in his Oxford years or during the war, through observation of social injustices and through contacts with like-minded friends – his friendship with Rodney Hilton, for example, went back to Oxford days. His communism, which seems to have withstood even the shocks of 1956, would seem to have been an expression of a social conscience, of which concern for his students was another manifestation. It found expression in more diligence – in regular and frequent reviews that appeared in the *Daily Worker* and the *Labour Monthly*: regrettably none of Robert's bibliographers has matched his diligence and tracked these down, though it should be possible. Yet specifically Marxist interpretations (rather than the signs of a social conscience) can with difficulty be found in his written work, though there is often Eastern Bloc bibliography. Averil Cameron has suggested in her mémoire for the British Academy that Robert's paper on repression and enlightenment in the twelfth century is a product of this mindset, and indeed this is probably the best example.[26] Reading through *The Byzantine Empire* one's eye is caught by several passages displaying an interest in social structures and the equitable distribution of wealth and property, as well as a few comments on the nature of egalitarian culture – but these are neither strident nor obvious. Robert was a member, though not a prominent one, of the Communist Party of Great Britain's Historians Group: in 1964 he published a short pamphlet *Slave Society: Some Problems* in its 'Our History' series. In 1965 he joined the editorial board of *Past and Present*. Eric Hobsbawm was a lifelong friend, and eulogist at Robert's funeral. The mixture and strength of Robert's mindset remain an enigma.

Be all that as it may, I would like to suggest that it was the two qualities of diligence and social conscience that made Robert Browning an authority in Byzantine Studies, both in Britain and internationally: an authority in that he commanded respect and his presence and contributions were sought – students came to him for advice and guidance, academic institutions were grateful for his guidance. It was these qualities that led to his many honours, to the affectionate respect in which he was held. It was these that led to his quietly consistent membership of committees, his firm chairmanship that provided a solid core to British Byzantine studies as the subject began to take shape in the latter part of the twentieth century. It was these that led to his support and fostering of so many of those who then went on to hold academic posts around the world, in turn building up the subject. It was a very personal and rather British kind of authority but of a kind that is essential for the sound growth of a discipline.

[26] 'Enlightenment and repression in the eleventh and twelfth centuries', *Past and Present* 69 (1975), 3–23; repr. in *Studies*, XV.

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Publications of the Centre for Hellenic Studies

About this book

Authority is an important concept in Byzantine culture whose myriad modes of implementation helped maintain the existence of the Byzantine state across so many centuries, binding together people from different ethnic groups, in different spheres of life and activities. Even though its significance to understanding the Byzantine world is so central, it is nonetheless imperfectly understood. The present volume brings together an international cast of scholars to explore this concept.

The contributions are divided into nine sections focusing on different aspects of authority: the imperial authority of the state, how it was transmitted from the top down, from Constantinople to provincial towns, how it dealt with marginal legal issues or good medical practice; authority in the market place, whether directly concerning over-the-counter issues such as coinage, weights and measures, or the wider concerns of the activities of foreign traders; authority in the church, such as the extent to which ecclesiastical authority was inherent, or how constructs of religious authority ordered family life; the authority of knowledge revealed through imperial patronage or divine wisdom; the authority of text, through its conformity with ancient traditions, through the Holy scriptures and through the authenticity of history; exhibiting authority through images of the emperor or the Divine. The final section draws on personal experience of three great 'authorities' within Byzantine Studies: Ostrogorsky, Beck and Browning.

Cover image: The Pantocrator fresco at the church of the Panagia tou Arakou, Lagoudera, Cyprus.
Photo: Pamela Armstrong, digitised by Maggy Sasanow at the Centre for Ancient Documents, University of Oxford.

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